

# **EXHIBIT 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

XAVIER WALKER, )  
)  
)  
PLAINTIFFS, )  
)  
vs. ) No. 20 C 7209  
)  
CITY OF CHICAGO, STANLEY SANDERS ) JUDGE GUZMAN  
MICHAEL PIETRYLA, DAVID WRIGHT, )  
BRIAN HOLY, JOHN CRUZ, ) MAGISTRATE  
DONALD WOLVERTON, JOHN RIORDAN, ) JUDGE FUENTES  
ROBERT BARTIK, ANTHONY BRZENIAK, )  
THOMAS MAHONEY and COOK COUNTY )  
)  
DEFENDANTS, )

This is the discovery deposition of  
JOHN CRUZ, taken in the above-entitled cause before  
GWENDOLYN BEDFORD, a Certified Shorthand Reporter  
within and for the County of Cook, State of Illinois,  
taken via a multi-video conference held on the 20th day  
of July 2022 at the hour of 10:30 a.m. pursuant to  
notice.

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22

23 ALSO PRESENT:

24 MR. DAVID WRIGHT, POLICE OFFICER

I N D E X

WITNESS	PAGE
JOHN CRUZ	
Examination by Ms. Samuels	4

E X H I B I T S

(NO EXHIBITS MARKED)

1 (WITNESS SWORN)

2 JOHN CRUZ,

3 called as a witness herein, after having been first  
4 duly sworn, was examined and testified as follows:

5 EXAMINATION

6 BY MS. SAMUELS:

7 Q Can you please state and spell your name for  
8 the record, sir?

9 A John Cruz.

10 Q Can you spell that, please?

11 A I didn't hear you.

12 Q Can you spell that, please?

13 A J-O-H-N C-R-U-Z.

14 MS. ITCHHAPORIA: This is Counsel for the  
15 Officer. Mr. Cruz is very hard of hearing. It is  
16 going to be very important that you speak up. And  
17 he'll tell you repeatedly, but he is very hard of  
18 hearing.

19 BY MS. SAMUELS:

20 Q Let's see how we do. And if not, I'll run  
21 and check my car. Is this volume, okay?

22 A Yes. I can hear you right now, yes.

23 Q So this is the deposition of John Cruz taken  
24 in the case of Walker v. City of Chicago, et. al., Case

1 Number 20 CV 7209. This deposition is taken pursuant  
2 to notice and agreement of the parties under all  
3 applicable rules.

4 Have you ever given a deposition  
5 before, sir?

6 A Yes, I have.

7 Q How many times?

8 A I believe twice.

9 Q And when was that?

10 A I think the recent one was a couple of years  
11 ago and the other one was about -- let's see, in 2010  
12 maybe.

13 Q Did you prepare for today's deposition?

14 A Yes, I did.

15 Q I'm sorry. I forgot to get on the record who  
16 is present. If you want to go ahead and state your  
17 appearances. Go ahead.

18 MS. ITCHHAPORIA: Misha Itchhaporia and Grant  
19 Miller for the individual Chicago Police Officers,  
20 Defendants.

21 MS. BRILL: Briana Bill and Natalie Adeeyo,  
22 City of Chicago.

23 MS. SAMUELS: And then Defendants --

24 MS. ITCHHAPORIA: Also joining us is Officer

1 David Wright.

2 BY MS. SAMUELS:

3 Q How did you prepare for your deposition?

4 A I reviewed reports and notes and that's it.

5 Q And I know you've sat through some other  
6 depositions in this case, so I won't belabor you with  
7 the rules. But essentially all your answers have to be  
8 verbal. If any of my questions are unclear, otherwise  
9 I'm going to assume that you understood the question  
10 and your answer is responsive to the question, okay?

11 A Okay.

12 Q And if you want to take a break at any time,  
13 just let me know, okay?

14 A All right.

15 Q When you sat through the other depositions in  
16 this case, did you hear any testimony that you  
17 remembered about what occurred that you remembered  
18 differently?

19 MS. ITCHHAPORIA: Objection. Form. Go  
20 ahead.

21 THE WITNESS: No, not essentially.

22 BY MS. SAMUELS:

23 Q Was there anything that stuck out to you  
24 either about the investigation or what you heard any of



1 the other officers talked about that you disagreed with  
2 or you thought was mischaracterized?

3 MS. ITCHHAPORIA: Objection. Form.  
4 Foundation. Go ahead.

5 THE WITNESS: I didn't find -- I sat through  
6 the whole deposition. I didn't find anything that was  
7 counter to what happened.

8 BY MS. SAMUELS:

9 Q So when you say you reviewed reports, what  
10 reports are you talking about?

11 A Case Reports, Medical Examiner's Reports,  
12 everyday reports. My testimony at the hearing and  
13 GPRs.

14 Q And when you say you reviewed notes, what are  
15 you referring to?

16 A GPRs.

17 Q Did you review any transcripts besides your  
18 testimony?

19 A No, not that I recall.

20 Q The last deposition -- well, the first  
21 deposition that you gave around 2010, do you recall  
22 what that was on?

23 A I'm sorry. I didn't hear that.

24 Q The deposition that you gave around 2010, do

1     you recall what that was about?

2           A     I'm not certain, but I think it was a  
3     complaint of false arrest.

4           Q     Do you remember anything about that case more  
5     specifically?

6           A     Only that I don't remember the names of the  
7     participants. There was an allegation that the  
8     arresting officer had no cause to arrest a particular  
9     party.

10          Q     And the deposition that you gave a couple of  
11     years ago, do you recall what that was about?

12          A     Again, it is -- I don't recall the  
13     particulars. It was an allegation that the Plaintiff  
14     alleged he did not commit a particular crime.

15          Q     Do you know what happened to the 2010 case?

16          A     I'm not certain, but I believe the officer  
17     was found liable.

18          Q     And when you say "officer", you mean somebody  
19     other than you?

20          A     Yes. Somebody was accused.

21          Q     Okay. Were you just a witness in that case?

22          A     Originally, I was accused and they dropped  
23     the case against me and I was just a witness then.

24          Q     And the one from a couple of years ago, were

1 you a witness or were you a Defendant?

2 A I am a Defendant.

3 Q Do you know what happened with that case?

4 A It is still pending as far as I know.

5 Q What year did you graduate high school?

6 A I'm sorry. I didn't hear the question.

7 Q What year did you graduate high school?

8 A 1966.

9 Q All right. Are you from Chicago?

10 A Again I didn't hear that.

11 Q Are you from Chicago?

12 A Yes, I am.

13 Q What area of Chicago are you from?

14 A Mostly the southwest side.

15 Q Do you have any people in your family who are  
16 police officers?

17 A No. I'm sorry. I have a son who is an FBI  
18 agent.

19 Q After graduating high school, what did you  
20 do?

21 A I attended the University of Illinois for one  
22 semester or one quarter, whatever they called it back  
23 then. I think they called it a trimester back then.

24 Q And then after however long that was, what

1 did you do after that?

2 A I enlisted in the United States Air Force.

3 Q Full-time or as a reservist?

4 A Full-time.

5 Q How long were you in the Air Force?

6 A Just a week short of four-years.

7 Q What is the highest rank you received?

8 A I was an E-5. I was a Sergeant, Staff  
9 Sergeant, I think. Yeah, Staff Sergeant.

10 Q That is not bad in four years.

11 What was your job duties or  
12 responsibilities in the Air Force?

13 A I was a Craft Mechanic 1 and 2, Jet Engine  
14 Aircraft Mechanic. I was an Aircraft Mechanic. But  
15 the plane I had worked on had one or two engines.

16 Q And was that your primary job duties for the  
17 entire time that you were in the Air Force?

18 A Yes. I did all my active duties after  
19 training was all those aircrafts.

20 Q What made you decide to leave the Air Force?

21 A I suppose I wanted to see what the outside  
22 world could offer.

23 Q Were you ever subject to any discipline or  
24 investigations while you were in the Air Force?

1 A No, I wasn't.

2 Q Were you honorably discharged?

3 A Yes, I was.

4 Q And that would have been around '71, '72?

5 A '71, May of '71.

6 Q After you left the Air Force, what did you  
7 do?

8 A I worked in a factory. I'm sorry. I had  
9 difficulty finding a job for about six months. Then I  
10 worked in a factory for about a year.

11 Q I'm sorry. When you were in the Air Force,  
12 what bases were you stationed to?

13 A When I worked in the Air Force -- I am sorry.  
14 I didn't hear the whole question.

15 Q Where were you stationed?

16 A I was stationed -- well, first for basic  
17 training at Lackland Air Force Base in northern Texas.  
18 Sheppard Air Force Base for further training and Luke  
19 Air Force base in Arizona for a year at a regular Air  
20 Force base. And then I went to Vietnam for 18 months,  
21 19 months. And then I went to Lake Mead Air Force Base  
22 in England for a year, occasionally being sent to Italy  
23 for temporary duty.

24 Q The base in Naples?

1           A     Again I didn't catch that last word.

2           Q     The base in Naples?

3           A     No. It was in Aviano Air Force base in the  
4     Alps.

5           Q     And so my understanding is that after you got  
6     out, you had difficulty finding a job for about six  
7     months and you began working in a factory?

8           A     Yes.

9           Q     All right. What type of factory was it?

10          A     They made sausage casings. I worked for --  
11     what the heck is the name of that company? I don't  
12     recall the name of the company offhand.

13          Q     Where was the factory located?

14          A     It was just south of Chicago, around 65th and  
15     Narragansett. I don't remember the name of the company  
16     like I said.

17          Q     And about how long were you working in that  
18     factory?

19          A     I worked there for about a year.

20          Q     What made you decide to leave?

21          A     I'm sorry. I didn't hear that.

22          Q     What made you decide to leave?

23          A     I got accepted by the Police Department.

24          Q     What made you want to become a Police

1 Officer?

2 A Mostly for -- it paid better than factory  
3 work.

4 Q That is a good reason.

5 And so my understanding is -- well,  
6 actually let me ask. So that would have been around  
7 '73, the beginning of '73?

8 A Yes, of '73. We were still going 19, if that  
9 is correct.

10 Q And that would have been your date of  
11 assignment?

12 A That was when I went to the Academy.

13 Q And back then was the Academy six months or  
14 do you recall?

15 A It was -- I believe it was around six months,  
16 yes.

17 Q And then after the Academy where were you,  
18 what was your first assignment?

19 A I was assigned to the 11th District.

20 Q Just as a Patrol Officer?

21 A Yes.

22 Q Roughly, what area did the 11th District  
23 cover at that time?

24 A Let's see. It went from oh, what were the

1 boundaries back then? It ran from about 2600 West to  
2 like 4600 West from 1200 South Roosevelt to 800 North  
3 Chicago, and then there was a little cut out there that  
4 they picked up. So let's go -- yeah, that was pretty  
5 generally the boundaries. 2600 West, 4600 West, 1200  
6 south to like 800 north.

7 Q Got you. Did you have a regular partner  
8 while you were a Patrol Officer in the 11th District?

9 A No, not at first.

10 Q Well, let me ask you this. How long did you  
11 stay a patrol officer in the 11th District?

12 A As a uniformed officer I was there for a  
13 little short of ten years.

14 Q So from basically '73 to '83?

15 A I'm sorry. I didn't hear that.

16 Q So basically from '73 to '83?

17 A Yes.

18 Q And then during that time, did you have any  
19 other assignments or responsibilities other than being  
20 a Patrol Officer?

21 A No.

22 Q And then it sounds like in '83 or soon  
23 thereafter you stopped being a uniform officer?

24 A Essentially, I became a Tactical Officer.



1 Q Was that still in the 11th District?

2 A Still in the 11th District, yes.

3 Q How long were you in the 11th District,  
4 Tactical Officer?

5 A Until sometime in November of 1998, I  
6 believe.

7 Q So about 15 years?

8 A About 15 years, yes, a little over.

9 Q And then my understanding is Tactical  
10 Officers -- actually I have a terrible understanding of  
11 what you guys do. Can you provide a brief description  
12 of the job responsibilities of a Tactical Officer  
13 during the time that you were one?

14 A Tactical Officers are assigned essentially to  
15 any vice kind of crimes to crimes that are recurring in  
16 certain areas like violent crimes to help suppress the  
17 crime. And then of course you go into uniform for  
18 details like Taste of Chicago and things like that. So  
19 you have to be pretty versatile. Your hours change  
20 quite often. And you are working with a team. You are  
21 working with a team of other officers. Again that  
22 becomes pretty fluid.

23 Q Were any of the Defendants in this case Tact  
24 Team Officers with you for the 11th District?

1           A     No, I don't believe so.

2           Q     And then so you did that until roughly  
3 November 1990, correct?

4           A     1998.

5           Q     And then after that, what was your next  
6 assignment?

7           A     I was promoted to Detective.

8           Q     And what made you want to be a Detective?

9           A     It seemed like it was an interesting move and  
10 it did have an increase in pay.

11          Q     As I understand, there is a Detective school  
12 that you go to once -- prior to the beginning as a  
13 Detective?

14          A     I didn't understand that question exactly.

15          Q     Is it my understanding there is some sort of  
16 Detective school that you go to once you become a  
17 Detective?

18          A     Yes.

19          Q     What do you recall about going to Detective  
20 school?

21               MS. ITCHHAPORIA: Objection. Form. Go  
22 ahead.

23               THE WITNESS: It was a full shift of classes  
24 Monday through Friday. They taught us the basics of

1 becoming -- what a Detective does, including how to  
2 handle different kinds of cases. It's pretty much it.

3 BY MS. SAMUELS:

4 Q And so, do you recall any training you  
5 received on how to question witnesses?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Foundation. Go ahead.

8 MS. BRILL: Join.

9 THE WITNESS: On interviewing witnesses, I  
10 don't have a recollection of that. It's possible. It  
11 was in the training.

12 BY MS. SAMUELS:

13 Q Is there a difference between how you would  
14 interview a witness as opposed to how you would  
15 interview a potential suspect?

16 MS. ITCHHAPORIA: Objection. Form. Are you  
17 talking about the training or what he did generally?

18 MS. SAMUELS: I don't know.

19 BY MS. SAMUELS:

20 Q Is there -- I guess are you confused about my  
21 question?

22 A For any interview it is getting to the truth  
23 of the matter. That is all you are looking for is  
24 truth and evidence.

1           Q     And I guess what I'm looking at is, sometimes  
2     I have a habit of using witness and suspect  
3     interchangeably. And so when you are questioning a  
4     person about a potential crime, are there different  
5     things that you would do when questioning a witness as  
6     opposed to when you are questioning someone who is a  
7     suspect?

8           A     Oh, I see what you got. You would advise a  
9     suspect of his constitutional rights before  
10    questioning.

11          Q     Is there anything else that you could think  
12    of?

13          A     A witness would be free to leave.

14          Q     Do you recall if at Detective school you  
15    received any training on how to document statements?

16                MS. ITCHHAPORIA: Objection. Form.

17                THE WITNESS: What do you mean "how"?

18    BY MS. SAMUELS:

19          Q     Like when you are talking to someone, what  
20    you are supposed to do to make sure that it has been  
21    accurately preserved?

22          A     We would take notes on GPRs of statements  
23    that were made to us. That is pretty much it.

24          Q     Is there certain things that you are supposed

1 to be a part of -- well, let me go through it one by  
2 one, because I sort of have something.

3 When you are talking with a potential  
4 witness or a suspect, are there ever times when you  
5 wouldn't expect there to be notes on a GPR to  
6 reflect that you have spoken with that individual?

7 MS. ITCHHAPORIA: Objection. Form.  
8 Foundation. Go ahead.

9 THE WITNESS: Yes, there could be information  
10 that you know or that you could recall.

11 BY MS. SAMUELS:

12 Q And so if somebody provided you with  
13 information that you can recall, then you would not  
14 expect that to be reflected in a GPR?

15 MS. ITCHHAPORIA: Objection. Form.  
16 Mischaracterizes. Go ahead.

17 THE WITNESS: It might or might not be.

18 BY MS. SAMUELS:

19 Q Does it depend on how important the  
20 information is?

21 MS. ITCHHAPORIA: Same objection.

22 THE WITNESS: That could be one of the  
23 criteria.

24

1 BY MS. SAMUELS:

2 Q Well, when you were a Detective, was that one  
3 of the things that you used to determine whether or not  
4 to have information you were given reflected in the  
5 GPR?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Incomplete hypothetical. Go ahead.

8 THE WITNESS: I would try to be as thorough  
9 and complete as possible. Sometimes you recall things  
10 that somebody said that you hadn't documented yet.

11 BY MS. SAMUELS:

12 Q So the name of the person you are speaking  
13 with, would you expect that to be documented in a GPR?

14 MS. ITCHHAPORIA: Objection. Form. An  
15 incomplete hypothetical. Go ahead.

16 THE WITNESS: More than likely, yes.

17 BY MS. SAMUELS:

18 Q And I am sorry. I saw Mike's in the waiting  
19 room. I am assuming that's Mr. Petrella?

20 MS. ITCHHAPORIA: Yeah, that's correct.

21 MS. SAMUELS: I don't know how long he was  
22 there, so I apologize. Are you in, Mr. Petrella? All  
23 right. I see you.

24

1 BY MS. SAMUELS:

2 Q So the location where you are speaking with  
3 an individual, would you expect that to be reflected in  
4 notes you are taking relative to the information that  
5 somebody gave you?

6 MS. ITCHHAPORIA: Same objection.

7 THE WITNESS: Possibly.

8 BY MS. SAMUELS:

9 Q When would you expect that to be indicated?

10 MS. ITCHHAPORIA: Objection. Form.

11 THE WITNESS: Again it's possible it would be  
12 documented.

13 BY MS. SAMUELS:

14 Q Right. So I guess what I'm getting at is,  
15 I'm trying to understand sort of what the baseline is  
16 for what should be in a GPR if that makes since, right?  
17 And I understand that some people have special ways or  
18 forms that they do it. But I've never been a  
19 Detective. So when you are looking at a GPR, the thing  
20 that I want to know, if you looked at a GPR where it is  
21 recording somebody's statement, what are the things  
22 that you would always expect to be recorded? Does that  
23 make sense?

24 A I guess it does, yes.

1           Q     And so that is my question.  So when I say  
2     "location", is that -- I understand sometimes that  
3     could be there and sometimes not be there.  But as a  
4     Detective, would you expect that to be something that  
5     is in a GPR?

6           MS. ITCHHAPORIA:  Objection.  Form.  
7     Foundation.  Just to clarify, you are asking him about  
8     his practice, right?

9           MS. SAMUELS:  I'm asking him about -- Sure.  
10    Yeah.

11   BY MS. SAMUELS:

12          Q     So when you were a Detective, right, sure.  
13     Precinct to your practice, would you expect the  
14     location of where you are speaking to the individual to  
15     be recorded on a GPR?

16          A     Possibly.

17          Q     And so if it wasn't in a GPR, you wouldn't  
18     think anything of it because sometimes you guys just  
19     don't write that down?

20          MS. ITCHHAPORIA:  Objection.  Form.  
21     Incomplete hypothetical.  Go ahead.

22          THE WITNESS:  I would probably recall where  
23     it happened.

24



1 BY MS. SAMUELS:

2 Q How about -- we'll ask it this way. Pursuant  
3 to your training as a Chicago Police Detective, what  
4 information would you expect to be contained on every  
5 recorded recollection of a witness statement?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Foundation.

8 THE WITNESS: That is pretty broad. A lot of  
9 information particular, I guess, if it was particular  
10 information, then it would be documented.

11 BY MS. SAMUELS:

12 Q All right. And what particular information  
13 would be documented, would you expect to be documented?

14 MS. ITCHHAPORIA: Same objection.

15 THE WITNESS: Again that is rather broad.  
16 The name of the person or the party information about  
17 maybe the address and identifying information. Things  
18 that are rather difficult to remember, so you make a  
19 note of it.

20 BY MS. SAMUELS:

21 Q What about the time that you begin speaking  
22 with someone?

23 MS. ITCHHAPORIA: Objection. Form.  
24 Incomplete hypothetical.

1 THE WITNESS: Possibly.

2 BY MS. SAMUELS:

3 Q So what about the time you've done speaking  
4 with somebody?

5 A That last part I didn't hear. I'm sorry.

6 Q What about the time you are done speaking  
7 with someone?

8 A It hasn't been my practice, no.

9 Q What about if you speak to someone on  
10 multiple occasions?

11 A I speak to somebody on what?

12 Q Multiple occasions?

13 MS. ITCHHAPORIA: Objection. Form.

14 THE WITNESS: Possibly.

15 BY MS. SAMUELS:

16 Q And so when you say "possibly", I understand  
17 that to mean that an officer could do it, but it is not  
18 something that you would think of as being required, is  
19 that fair?

20 MS. ITCHHAPORIA: Objection. Form. Lack of  
21 foundation. Incomplete hypothetical. Go ahead.

22 THE WITNESS: Yes.

23 BY MS. SAMUELS:

24 Q And my understanding is that generally when

1 you are talking to a witness, the only notes that would  
2 be taken would be the GPRs that you guys didn't have a  
3 practice of generally like audio recording statements  
4 or anything like that?

5 MS. ITCHHAPORIA: Object to form. Go ahead.

6 A Not generally, no.

7 Q So after you went to Detective school, where  
8 were you assigned?

9 A I was assigned to the Area 4 Detective  
10 Division.

11 Q And was there a particular assignment that  
12 you had there?

13 A I was assigned to the evening shift in  
14 property crimes.

15 Q And how long were you in property crimes?

16 A Approximately a year.

17 Q Then after a year, what was your next  
18 assignment?

19 A I was assigned to midnights.

20 Q Was it still with property crimes?

21 A Midnights handles everything that comes in.

22 Q And how long was that your assignment?

23 A Until February of 2008.

24 Q And during this time, you still just had the

1     general title of Detective?

2           A     I was a Detective.

3           Q     And did you have any other special  
4     assignments outside of just being a Detective on  
5     midnight shift?

6           A     No.

7           Q     And then after February of 2008, what was  
8     your next assignment?

9           A     I retired.

10          Q     Have you had any employment since February of  
11     2008?

12          A     I did. I started a job in 2010, I believe.

13          Q     And what was that job?

14          A     I was working for the U.S. Marshals as a  
15     Court Security Officer.

16          Q     And how long did you do that?

17          A     I believe eight years, nine years, I think.

18          Q     So roughly until 2019?

19          A     Let's see. I believe -- I think it was 2019  
20     I left.

21          Q     And then after leaving that job, did you have  
22     any other employment?

23          A     No.

24          Q     All right. Was that your first employment

1 after leaving the Chicago Police Department?

2 A Yes.

3 Q Were you ever subject to any discipline while  
4 working as a Court Security Officer?

5 A No.

6 Q What made you retire from CPD in 2008?

7 A I had turned 60 and I was eligible for  
8 healthcare for a while, so it was the optimal time for  
9 me. I couldn't get anymore pension.

10 Q To your knowledge, were you under  
11 investigation for anything at the time that you  
12 retired?

13 A I'm sorry. I didn't hear that.

14 Q To your knowledge, were you under  
15 investigation for anything at the time that you  
16 retired?

17 A No.

18 Q To your knowledge, have you had a citizen  
19 complaint against you?

20 A I believe I did have one.

21 Q What was that for?

22 A For being off my beat.

23 Q When was that?

24 A That was in -- shoot, 1975. 1975.

1           Q     Other than that, you are not aware of any  
2     other sustained allegations of misconduct against you  
3     as a Chicago Police Officer?

4           A     No, I'm not.

5           Q     Can I take a quick break for one second?

6

7                   MS. SAMUELS: No problem. You want to come  
8     back like at 11:25?

9                   MS. ITCHHAPORIA: Yes. He's already left the  
10    room.

11                                   (BRIEF RECESS)

12                   MS. SAMUELS: Back on the record.

13    BY MS. SAMUELS:

14           Q     When I say Xavier Walker, do you know who I'm  
15    referring to?

16           A     When you say Xavier Walker what?

17           Q     Do you know who I'm referring to?

18           A     Yes.

19           Q     When I say Maurice Wright, do you know who  
20    I'm referring to?

21           A     Yes.

22           Q     When I say Mary Curry, do you know who I'm  
23    referring to?

24           A     Yes, I do.

1 Q When I say Ashanti Wright, do you know who  
2 I'm referring to?

3 A Yes.

4 Q When I say Jermaica Wright, do you know who  
5 I'm referring to?

6 A Yes.

7 Q When I say Antwoine Waddy, do you know who  
8 I'm referring to?

9 A Yes.

10 Q When I say Jovanie Long, do you know who I'm  
11 referring to?

12 A Yes.

13 Q Do you have an independent recollection of  
14 your interactions with Xavier Walker as it relates to  
15 your investigation into the murder of Marek Majdak?

16 MS. ITCHHAPORIA: Objection. Form.  
17 Foundation. go ahead.

18 THE WITNESS: I have never seen Mr. Walker  
19 outside of court.

20 BY MS. SAMUELS:

21 Q I guess what I'm saying is, do you have an  
22 independent memory of any interactions you had with  
23 them during the time that you were investigating?

24 A I never had any interaction with Mr. Walker.

1           Q     All right. Same question, but relative to  
2 Maurice Wright?

3           A     I interviewed Maurice Wright. I'm sorry.  
4 Can I qualify that?

5           Q     Yes, sir.

6           A     I believe I was present during his interview.

7           Q     And my question is, do you remember that or  
8 you know that because you read some reports?

9           A     I only know it. I only recall it from the  
10 report, yes.

11          Q     And with regard to Mary Curry, do you have a  
12 memory of interacting with her?

13          A     Not independent memory, no.

14          Q     With regard to Ashanti Wright, do you have a  
15 memory of interacting with her?

16          A     Not specifically, no.

17          Q     With regard to Jermacia Wright, do you have a  
18 memory of interacting with her?

19          A     Not independent recollection either, no.

20          Q     With regard to Antwoine Waddy, do you recall  
21 interacting with him?

22          A     I don't recall him. I don't recall  
23 interacting with him, no.

24          Q     And with regard to Jovanie Long, do you



1 recall interacting with him?

2 MS. ITCHHAPORIA: Objection. Foundation. Go  
3 ahead.

4 THE WITNESS: No, I did not.

5 BY MS. SAMUELS:

6 Q What do you remember doing in relation to  
7 investigating the murder of Marek Majdak?

8 MS. ITCHHAPORIA: Objection. Form. Go  
9 ahead.

10 THE WITNESS: I remember vaguely. I remember  
11 going to the scene and being one of the initial  
12 investigators of his murder.

13 BY MS. SAMUELS:

14 Q Anything else?

15 A Just the investigation?

16 Q Right. So like what about the investigation  
17 do you actually remember yourself doing?

18 A Vaguely, I remember the scene.

19 Q Is it fair to say that you don't remember  
20 questioning any witnesses?

21 A I don't independently remember, no.

22 Q Is it fair to say you don't remember  
23 reviewing any evidence?

24 MS. ITCHHAPORIA: Objection. Form.

1 THE WITNESS: Review evidence when?

2 BY MS. SAMUELS:

3 Q During the course of the investigation into  
4 Mr. Majdak's murder.

5 A I don't independently remember it. I vaguely  
6 remember it. Yeah. Go ahead.

7 Q All right, so --

8 A A general memory.

9 Q When you say that you have a "general  
10 memory", can you describe what you are recalling?

11 A I remember it was at night. I remember the  
12 weather had been raining earlier in the evening. It  
13 was fairly well lit. There was a van on the north side  
14 of the street. I recall that. I remember the victim  
15 lying on the sidewalk. I remember the van was pretty  
16 much parked inside of a small park, a small playground.  
17 There were trees on the -- I know there is trees on the  
18 south side of the street. I don't recall on the north  
19 side. I remember there were police officers there,  
20 that the scene was taped off for security purposes.  
21 There was officers on the scene securing the scene and  
22 that is pretty much it.

23 Q All right. Did you help secure the scene?

24 A No. The scene was already secured before my

1 partner and I got there.

2 Q And your partner would have been Detective  
3 Wolverton?

4 A Yes.

5 Q And when you say -- did you help look for  
6 evidence?

7 A Did I help what?

8 Q Look for evidence?

9 A Yes.

10 Q Do you recall if you found any?

11 A The only -- I can recall bloody footprints  
12 leaving from the scene, a pool of blood around the  
13 victim's head and body. That's pretty much any  
14 evidence. I don't recall exactly seeing the cartridge  
15 casings. I remember the van on the north side of the  
16 street. I remember his passenger door was open and  
17 there was glass mostly on the seat, but in the street  
18 and there appeared to be some blood on the passenger,  
19 front passenger seat. Otherwise, I don't have much of  
20 a recollection. Of course, the body, you know, I saw  
21 the body.

22 Q What do you recall about seeing Mr. Majdak's  
23 body?

24 A He was facing primarily up, face up. I

1 believe his head -- I believe it was to the east and  
2 his feet were generally to the east and his legs I  
3 think were towards the west. I believe his upper left  
4 shoulder was against the fence that was there. I said  
5 he was face up. There appeared to be a -- appeared to  
6 be a gunshot wound midway between his left eye and left  
7 ear.

8 Q And when you got to the scene, had the  
9 paramedics already been there?

10 MS. ITCHHAPORIA: Objection. Foundation.  
11 Form. Go ahead.

12 THE WITNESS: Who was already there?

13 MS. SAMUELS: The paramedics.

14 MS. ITCHHAPORIA: Objection.

15 THE WITNESS: They weren't there when I got  
16 there.

17 BY MS. SAMUELS:

18 Q Did the body appear to be disturbed at all?

19 A No.

20 Q So you said shell casings, bloody footprints,  
21 you described seeing a bloody footprint. Where do you  
22 remember seeing that?

23 MS. ITCHHAPORIA: Objection. Form.  
24 Mischaracterizes.

1           THE WITNESS: There was a number of bloody  
2 footprints with the direction of the print. It  
3 appeared as though the blood was from the victim. They  
4 proceeded eastbound on Ohio and then crossed into the  
5 Parkway, then into the street and then disappeared.

6 BY MS. SAMUELS:

7           Q Did you search the van?

8           A I don't recall that I did.

9           Q And so to the best of your recollection, you  
10 just sort of took a look in there?

11          A I may have.

12          Q So when you say -- when you testified earlier  
13 that you recall that there was glass in the passenger  
14 seat and there was blood in the passenger seat, is that  
15 from the pictures or do you actually remember looking  
16 at that and seeing that on the seat?

17          A Do I have a vivid recollection? No. But I  
18 do believe I made note of it at the time that I  
19 remembered it. I remember there being glass on the  
20 seat and what appeared to be blood on the seat.

21          Q All right. Do you do a walk-through with the  
22 Evidence Technician?

23          A I don't know what you mean by a  
24 "walk-through".

1           Q     So after the Evidence Technician has sort of  
2 marked stuff, do they tell you what they found or do  
3 you just wait to read it from the report?

4           MS. ITCHHAPORIA:  Objection.  Form.  
5 Foundation.  Incomplete hypothetical.  Go ahead.

6           THE WITNESS:  In these instances we have to  
7 confer with one another.  There may be something that I  
8 may have not seen.  They may have not seen.

9 BY MS. SAMUELS:

10          Q     And so if I'm understanding you correctly,  
11 you guys are sort of in a dialogue about what you're  
12 finding on the scene, is that fair?

13          A     That is pretty fair, yes.

14          Q     Do you recall searching the alley west of  
15 where the body was found?

16          MS. ITCHHAPORIA:  Objection.  Form.  
17 Foundation.

18          THE WITNESS:  I don't recall searching it,  
19 no.

20 BY MS. SAMUELS:

21          Q     Do you know if anybody did?

22          MS. ITCHHAPORIA:  Objection.  Foundation.  Go  
23 ahead.

24          THE WITNESS:  I don't know.

1 BY MS. SAMUELS:

2 Q Do you recall conducting a search for a gun?

3 A At that location you mean?

4 Q Yes, sir.

5 A I don't know if anybody searched for a gun.

6 Q Is that something that you would generally  
7 expect to do at the scene of a shooting?

8 MS. SAMUELS: Objection. Form. Foundation.  
9 Incomplete hypothetical. Go ahead.

10 THE WITNESS: We search for any kind of  
11 evidence, whether it is a gun, anything that might be  
12 relevant or you think might be relevant to the case.  
13 Then you would note that and have it -- if it can be  
14 recovered, have it recovered. Have that memorialized.  
15 So it wouldn't just be specifically a gun. It would be  
16 anything that would be relevant.

17 BY MS. SAMUELS:

18 Q Do you remember finding a note in the  
19 victim's car?

20 MS. ITCHHAPORIA: Objection. Foundation. Go  
21 ahead.

22 THE WITNESS: I don't recall a note, no.

23 BY MS. SAMUELS:

24 Q Is it your general practice coming to a scene

1 where there is still a body to examine the body or do  
2 you let the ME do that?

3 MS. ITCHHAPORIA: Objection. Form. Go  
4 ahead.

5 MS. BRILL: Join. And just to make it  
6 easier, the City will join all objections made by  
7 counsel for Defendant Cruz.

8 THE WITNESS: So what specifically are you  
9 asking me? If I look at the body or if I wait for the  
10 ME?

11 BY MS. SAMUELS:

12 Q Right. So I'm asking if you look at the body  
13 at all while you are at the scene?

14 A Generally, you see the --

15 Q I guess my question is, how in depth I guess  
16 would that be? Do you like try to get as close as you  
17 can, but not touch? Would you touch a body? Those are  
18 my questions.

19 MS. ITCHHAPORIA: Objection. Form.  
20 Compound. Go ahead.

21 THE WITNESS: I generally look at the body  
22 with any obvious observations. I'll wait for it to be  
23 memorialized by the crime scene investigators. Get  
24 permission from the medical examiner as to whether the



1 body can be removed to the morgue. And then once that  
2 happens, take a cursory look at anything else that  
3 might be obvious to injuries or anything of evidence.  
4 That would be it.

5 BY MS. SAMUELS:

6 Q Besides the gunshot wound, you noticed to  
7 Mr. Majdak's face, do you remember seeing any other  
8 signs of injury?

9 A There was blood on his pants I believe above  
10 his left buttock. And I'm not sure if we took a look.  
11 No, we didn't open his pants. So we just noted that  
12 there appeared to be a gunshot wound above his left  
13 buttocks.

14 Q Do you recall moving the body?

15 A I don't recall moving the body, no.

16 Q Do you recall who did move the body?

17 MS. ITCHHAPORIA: Objection. Form.

18 Foundation. Go ahead.

19 THE WITNESS: With permission from the  
20 Medical Examiner's office, the body was permitted to be  
21 removed. It was moved by a police wagon.

22 BY MS. SAMUELS:

23 Q So my understanding is when you first see  
24 Majdak's body, he's face up?

1           A     Yes.

2           Q     Is that correct?

3           A     Mostly face up. I said his left shoulder I  
4 believe was against the fence. So that would make him  
5 at a slight angle upward, but essentially he was face  
6 up, yes.

7           Q     So like part of his shoulder was off the  
8 ground, if I'm understanding you correctly?

9           A     I would -- it appeared to be, yes.

10          Q     Meanwhile, the rest of his body was prone?

11          A     Rest of the body was laying down on the  
12 sidewalk.

13          Q     And so is it fair to say that in the crime  
14 scene photos of Majdak's body, none of them portray how  
15 he was found?

16                MS. ITCHHAPORIA: Objection. Form.  
17 Foundation.

18                THE WITNESS: The photos appeared to be how  
19 he was found, yes.

20          BY MS. SAMUELS:

21          Q     Hold on. I think we are talking past each  
22 other. Let me see if I could pull these up. Give me  
23 just a second. I'm going to share some photos with you  
24 so I can -- I'm showing you what has been Bates marked

1 City NK 1536 to 1575. Can you see this okay?

2 A I can see it as well as I can see it, yeah.

3 Q And so this is City NK 1536 which is I  
4 believe a shot on the -- facing east. Is that your  
5 understanding as well?

6 A His head is towards the east and feet are  
7 towards the west generally.

8 Q So this is looking west?

9 A Looking west, yes.

10 Q And so are you saying that -- and can you see  
11 my cursor where it is sort of indicating his shoulder?

12 A Yes.

13 Q And so are you saying that there were more of  
14 it on the fence or that's how it was?

15 A That's how it was.

16 Q And to the best of your recollection, this is  
17 how his body was found by you?

18 A That is how I observed the body from what I  
19 could recollect.

20 Q And then I'm now showing you what has been  
21 marked City NK 1544. I apologize. You see how he now  
22 has been maneuvered now that he is faced down?

23 A Yes.

24 Q And then I'm going to take it off screen. Do

1     you know who maneuvered him or who turned him over?

2           A     I don't recall.

3           Q     And then showing you City NK 1552 and this is  
4     basically looking down on the victim's body, is that  
5     fair?

6           A     Yes.

7           Q     And then from this view it looks like he is  
8     completely clear of the fence and might actually be  
9     under it. And so do you remember him being more on the  
10    fence?

11          A     No. That looks like -- it doesn't look like  
12    he is under the fence. It looks like he has a shoulder  
13    up against the fence or his left arm. And I believe  
14    that is like a little curb there, concrete curb.

15          Q     But his body appears to be flat on whatever  
16    surfaces is under him?

17          A     Yes.

18          Q     Is that how you remember him?

19          A     Again, I don't have an independent memory,  
20    but I believe that's the way he was found when I  
21    first saw him.

22          Q     So the house that he was found in front of,  
23    do you recall talking to the person or attempting to  
24    make contact with the person who lived inside that

1 location?

2 A Do I recall what?

3 Q Talking to those persons or trying to make  
4 contact with them?

5 A I'm sorry. I'm not hearing something.

6 Q So his house essentially -- his body is  
7 essentially found right in front of a house, right?

8 A Yes.

9 Q And the people who lived in that house, do  
10 you remember talking to them?

11 A I don't independently recall, no.

12 Q Do you recall conducting a canvass within  
13 this case?

14 A Again, I don't recall doing a canvass, but I  
15 know we did.

16 Q And are there general steps you would expect  
17 to be taken in every homicide investigation?

18 MS. ITCHHAPORIA: Objection. Form.  
19 Foundation. Go ahead.

20 THE WITNESS: Every kind of case that you are  
21 involved in is unique.

22 BY MS. SAMUELS:

23 Q And is it fair to say that in a homicide  
24 investigation there is no step or no tasks that you

1 expect to be completed in all of them?

2 MS. ITCHHAPORIA: Objection. Form.

3 Foundation. Mischaracterizes.

4 THE WITNESS: Circumstances are different in

5 all of them. There are general things, but

6 circumstances are unique again.

7 BY MS. SAMUELS:

8 Q Right. And so I understand that there is

9 certain things that are unique about them. I'm trying

10 to get to what is similar about them. And so what are

11 some of the things that you would expect to see

12 completed in a homicide investigation?

13 MS. ITCHHAPORIA: Objection. Foundation.

14 THE WITNESS: Way too big for me to -- I

15 don't know what you are getting at, honestly.

16 BY MS. SAMUELS:

17 Q When you were trained, I guess, is being --

18 were you trained especially to be a Homicide Detective

19 or just to be a Detective in general and the skills

20 transfer?

21 A Just general. Yes, generally.

22 Q All right. And were there certain

23 investigatory steps that you were trained to complete

24 to become a Detective?

1 MS. ITCHHAPORIA: Objection. Form.

2 THE WITNESS: Again, I'm not certain what you  
3 are referring to. You would try to find the facts as  
4 best you could, document. And as I say, seek the  
5 truth.

6 BY MS. SAMUELS:

7 Q And so if I'm understanding you correctly,  
8 they wouldn't say in an investigation like this is the  
9 first thing you are supposed to do and this is what you  
10 are supposed to do after that? Nothing like that?

11 A No.

12 Q And so were you required to corroborate  
13 evidence or -- yes, were you required to corroborate  
14 statements that a witness gave you?

15 A Was I required to corroborate what?

16 Q Statements that a witness gave you.

17 MS. ITCHHAPORIA: Objection. Form.

18 Foundation. Incomplete hypothetical. Go ahead.

19 THE WITNESS: As best I could.

20 BY MS. SAMUELS:

21 Q Were you required to corroborate statements  
22 that the suspect gave you?

23 MS. ITCHHAPORIA: Same objection.

24 THE WITNESS: Again, as best I could.

1 BY MS. SAMUELS:

2 Q Were you trying to document the evidence to  
3 corroborate statements that a witness gave you?

4 MS. ITCHHAPORIA: Same objection.

5 THE WITNESS: Corroboration, if I could do  
6 it, if I could corroborate something I would do it.  
7 Again it would have to be pertinent to the case.

8 BY MS. SAMUELS:

9 Q Right. My question -- I'm sorry. I didn't  
10 mean to cut you off. Go ahead.

11 A No, no, no. That is pretty much what I was  
12 trying to get at.

13 Q So my question is, were you expected to  
14 document attempts made to corroborate information that  
15 was given to you?

16 MS. ITCHHAPORIA: Same objection.

17 THE WITNESS: That's rather vague. Was I  
18 required to corroborate -- again, as best I can. As  
19 best I could. Not everything could be corroborated.

20 BY MS. SAMUELS:

21 Q Right. I understand that. Say somebody  
22 gives you information and you try to corroborate it and  
23 you find out that it's inaccurate. Would you expect  
24 that to be documented?



1 MS. ITCHHAPORIA: Objection. Form.

2 Incomplete hypothetical. Move for speculation. Go  
3 ahead.

4 THE WITNESS: Not necessarily.

5 BY MS. SAMUELS:

6 Q And if somebody gives you information and you  
7 attempted to corroborate it and you couldn't  
8 corroborate it one way, or you couldn't prove it was  
9 false, you couldn't prove that it was accurate, would  
10 you expect that to be documented?

11 MS. ITCHHAPORIA: Same objection.

12 THE WITNESS: Not necessarily.

13 BY MS. SAMUELS:

14 Q Is it fair to say that the attempt to  
15 corroborate statements that were given to you weren't  
16 required to be documented?

17 MS. ITCHHAPORIA: Same objection. Form and  
18 foundation.

19 THE WITNESS: There are -- you would look for  
20 what's pertinent to the case and whether you could  
21 verify something or not.

22 BY MS. SAMUELS:

23 Q So if somebody said I saw a shooting and I  
24 was ten feet away from them because I was at this

1 location, right, would you go to that location and see  
2 if that is actually ten feet away or would you like --  
3 would that be something that you would be expected to  
4 document?

5 MS. ITCHHAPORIA: Objection. Form.  
6 Compound. Incomplete hypothetical. Calls for  
7 speculation.

8 THE WITNESS: No. Again -- well, if it is  
9 reasonable and if it is something that might have a  
10 bearing, then I would probably take a look at it and  
11 see if that was the case. Otherwise, I don't see the  
12 point of it. I don't see what you are getting at. I'm  
13 not trying to be difficult. I just don't see -- I  
14 don't know what you are getting at.

15 Q That is fine. And again I'm not trying to  
16 belabor the point. One of the allegations in this case  
17 you understand is that Xavier Walker is saying I told  
18 the police officers that I had an alibi. I was with  
19 certain individuals, correct?

20 MS. ITCHHAPORIA: Objection. Form. Are you  
21 asking if he is aware of the allegations?

22 MS. SAMUELS: Yes.

23 THE WITNESS: I'm not aware of it.

24

1 BY MS. SAMUELS:

2 Q Let's assume that Xavier Walker is saying  
3 when he was questioned by the police, he told them I  
4 was with certain individuals at the date and time that  
5 the murder occurred. And I understand that it's --  
6 well, first, would you consider that to be material?

7 MS. ITCHHAPORIA: Objection. Form.  
8 Incomplete hypothetical. Go ahead.

9 THE WITNESS: I don't know the circumstances  
10 under which he would have made that statement. I don't  
11 know if he further changed the scenario. I don't have  
12 specific knowledge of any of this. And that is all  
13 hyperbole.

14 BY MS. SAMUELS:

15 Q How do you determine whether the information  
16 you receive is material enough to require  
17 corroboration?

18 MS. ITCHHAPORIA: Objection. Form.  
19 Foundation. Incomplete hypothetical and calls for  
20 speculation. Go ahead.

21 THE WITNESS: If something was reasonable,  
22 you know, again it depends on the circumstances. The  
23 statements that somebody gives. There are so many  
24 variables. It is not something that you could say

1 generally. So I can't respond to that.

2 BY MS. SAMUELS:

3 Q It is just a case-by-case basis?

4 A I'm sorry?

5 Q It is just a case-by-case basis?

6 A I would say generally, yes.

7 Q Do you remember speaking with the victim's  
8 sister about this case?

9 A Speaking with whom?

10 Q The victim's sister.

11 A Yes, I did. I don't recall exactly. I do  
12 recall that we spoke to her.

13 Q So besides the first night and going to the  
14 scene, is it fair to say that you don't have an  
15 independent recollection of anything else that you did  
16 in this murder investigation?

17 A Not independently, no.

18 Q Do you know why the murder scene sticks out  
19 to you so much where you can remember it all these  
20 years later?

21 MS. ITCHHAPORIA: Objection. Form. Go  
22 ahead.

23 THE WITNESS: Again this is a rather general  
24 view. I remember doing a scene. I remember how the

1 body was laying. I remember about the vehicles and the  
2 way the door was open and glass was broken. Those are  
3 what I recall. With photographic memory, no. I don't  
4 have a photographic memory. These are general things  
5 that I recall.

6 Q Was there anything about the murder of Marek  
7 Majdak that you thought was unusual or strange?

8 MS. ITCHHAPORIA: Objection. Form.  
9 Foundation. Go ahead.

10 THE WITNESS: I did find it unusual that it  
11 was -- he was white. But I didn't have any  
12 preconceptions about how it occurred. I'm sorry. I  
13 got to hit the bathroom again.

14 MS. ITCHHAPORIA: Can we take a break?

15 (BRIEF RECESS)

16 MS. SAMUELS: Back on the record.

17 BY MS. SAMUELS:

18 Q All right. I think the last question I asked  
19 was there anything odd or unusual about the scene of  
20 Marek Majdak murder to you?

21 A Well, one, that it was a murder. There was a  
22 murder there. It is not a place where you find murders  
23 regularly. There is not many places that you find  
24 murders regularly.

1           Q     Were you familiar with that area at all?

2           A     I've been in that area, not frequently, but  
3 regularly.

4           Q     Why would you regularly be in that area?

5           A     When I was with the 11th District, Tactical  
6 Unit we sometimes had complaints of narcotics sales  
7 within I would say oh, twelve blocks from that area in  
8 each direction.

9           Q     Can you be more specific about that area that  
10 you are complaining about of there being narcotics  
11 sales?

12                   MS. ITCHHAPORIA: Object to form. Go ahead.

13                   THE WITNESS: It seems down in that area --  
14 of course by that time this occurred, I had been out of  
15 there for about a year and a half. But even before  
16 that, occurrences of narcotic sales had -- complaints  
17 of narcotic sales seemed to have diminished.

18 BY MS. SAMUELS:

19           Q     And when you are describing that area, can  
20 you be more specific about that? The specific blocks  
21 that you were referring to earlier?

22                   MS. ITCHHAPORIA: Objection. Form.

23                   THE WITNESS: I never made an arrest on that  
24 block. But I believe that I recall other officers

1 making arrests in that vicinity for narcotics.

2 BY MS. SAMUELS:

3 Q And when you were talking about that box or  
4 that area that was known for narcotics sales, can you  
5 be more specific about what that -- the geographic  
6 limitations of that area?

7 A Again, most of the investigations I did were  
8 not specifically on that block. There were, I guess,  
9 we only extended from the railroad tracks to Cicero  
10 which is about two blocks. And then Brach's Candy I  
11 believe was to the south. So maybe three blocks north  
12 of Brach's Candy and two blocks west of the railroad  
13 tracks. So it is not a lot of area. But we did have  
14 some investigations and a number of arrests.

15 Q And what is Brach's Candy? Is that an actual  
16 store?

17 A I'm sorry. Brach's Candy was a business  
18 there for a long time, took up several square blocks.  
19 Employed a lot of people.

20 Q So like a factory?

21 A It was a candy factory, right.

22 Q And from the candy factory to Cicero, if I'm  
23 understanding you correctly?

24 A From the candy factory to Chicago.

1 Q And then from Cicero to the railroad tracks?

2 A Right. The railroad tracks is 4600 West, the  
3 street there to Cicero.

4 Q Did you have any knowledge of the gangs that  
5 operated in that area?

6 A I had very little first-hand knowledge of  
7 gangs over there. I didn't investigate gangs that  
8 much.

9 Q Did you know what gangs were known to sell  
10 drugs in that block?

11 A Again, I don't know what gangs inhabited that  
12 area. I think those things are fluid anyway. They vie  
13 for territory mostly for the selling of narcotics.

14 Q Do you have a reason to believe that the  
15 death of Marek Majdak was gang-related?

16 MS. ITCHHAPORIA: Objection. Form.

17 THE WITNESS: Do I have reason to believe  
18 that Mr. Majdak what?

19 BY MS. SAMUELS:

20 Q That his death was gang-related?

21 A I don't believe he was, no.

22 Q My question is, do you believe that his  
23 murder was gang-related?

24 A That is a rather vague way to put it. Gangs



1 controlling that area wouldn't -- you couldn't be in  
2 that area unless you had some affiliation with the  
3 gangs. That is my understanding. But people would  
4 visit that area. They wouldn't be in gangs. People  
5 lived in the area. They had a lot of civilians, older  
6 people. Of course they wouldn't be in a gang more than  
7 likely. Do I think his is gang-related? I couldn't  
8 say.

9 Q Do you have any reason to believe that the  
10 murder of Marek Majdak was related to the sale of  
11 narcotics?

12 A I wouldn't know. I have my doubts.

13 Q When you say "I have my doubts", what do you  
14 mean?

15 A Once we interviewed family and friends, it  
16 did not appear that he was a narcotics user.

17 Q You have any other thoughts on whether or not  
18 the murder of Marek Majdak was drug-related?

19 A Other than his autopsy report indicated no  
20 indications of narcotics. Just alcohol.

21 Q Do you have any reason to believe that the  
22 murder of Marek Majdak was related to prostitution?

23 MS. ITCHHAPORIA: Objection. Form.  
24 Foundation.

1 THE WITNESS: Was related to what?

2 MS. SAMUELS: To prostitution.

3 MS. ITCHHAPORIA: Same objection. Form. Go  
4 ahead.

5 THE WITNESS: I have no way of knowing that.

6 BY MS. SAMUELS:

7 Q I'm sorry? I missed your answer.

8 A I have no way of knowing that. There was no  
9 indication.

10 Q Do you recall going to Mr. Majdak's  
11 autopsy?

12 A I don't believe I did, no.

13 Q Do you recall reviewing the reports from his  
14 autopsy?

15 A I believe I have reviewed those reports, yes.

16 Q Do you remember doing that during the course  
17 of the murder investigation?

18 A I don't remember when I reviewed those  
19 reports.

20 Q As you sit here today, do you have any reason  
21 to believe that you would have reviewed the autopsy  
22 reports of Marek Majdak during the murder  
23 investigation?

24 MS. ITCHHAPORIA: Objection. Form.

1           THE WITNESS: I don't recall that I got the  
2 results of the autopsy.

3 BY MS. SAMUELS:

4           Q     When you were investigating homicides, was it  
5 your general practice to review autopsy reports?

6           A     Yes. If they were directed to me, perhaps.

7           Q     So is it fair to say --

8           A     More than likely. I would have reviewed them  
9 if it was my -- it was directed to me. If the results  
10 of the autopsy was directed to me.

11          Q     And if the results of the autopsy weren't  
12 directed to you, is it fair to say that you likely  
13 would not have reviewed them?

14          A     I may or may not have.

15          Q     Just depends on the case of whether or not  
16 you reviewed the autopsy results?

17          A     Again, if it is not directed to me, then I  
18 might not have even know it existed.

19          Q     In a murder investigation?

20          A     If I wasn't, yeah. I do all kinds of  
21 investigations when I'm on midnights. I'm not given  
22 cases that follow through until it is over. That is  
23 not how that works.

24          Q     How does that work?

1 MS. ITCHHAPORIA: Objection. Form.

2 THE WITNESS: I would work on the case until  
3 I had no more leads.

4 BY MS. SAMUELS:

5 Q So I'm confused. In a case like this, where  
6 I assume that you are sent to the scene because the  
7 murder was discovered during your shift, is that fair?

8 A That what?

9 Q So I'm assuming that you were assigned to go  
10 to the scene because the murder was discovered during  
11 your shift?

12 A Yes.

13 Q And so after that, the initial canvass and  
14 the initial inventory of evidence, would you generally  
15 be done with the case unless somebody specifically  
16 assigned you a task or how would that work?

17 MS. ITCHHAPORIA: Objection. Form and  
18 incomplete hypothetical.

19 THE WITNESS: That is pretty much it. I was  
20 somewhat assigned the case for that day. Unless I was  
21 assigned the case, then I would be -- I wouldn't be --  
22 I would not be expected to follow unless I was given  
23 information. That is as far as it would go for me.

24

1 BY MS. SAMUELS:

2 Q And so my understanding is basically there  
3 weren't any cases that you were expected to follow.  
4 You would just do a task as assigned for an  
5 investigation?

6 A Up to a point unless I was advised to do a  
7 follow-up, then I wouldn't have to do anything. Again  
8 if you learn something, then you would probably act on  
9 it.

10 Q I'm sharing what has been marked as City 108,  
11 I think.

12 A Yes.

13 Q Can you see that?

14 A I can't because the photo box is blocking it.  
15 I believe my attorney is going to find the page and let  
16 me review it.

17 MS. ITCHHAPORIA: I'm going to hand him a  
18 copy of City of 108, a hard copy.

19 THE WITNESS: I see that.

20 BY MS. SAMUELS:

21 Q You want to go ahead and have a chance to  
22 review it and then let me know when you are ready?

23 A Okay. I've reviewed it. My writing is less  
24 than perfect.

1           Q     Do you recognize this as a report that you  
2     authored?

3           A     I made the GPR, yes.

4           Q     And my understanding is that this report was  
5     written on the 14th of May 2000, is that correct?

6           A     Probably.

7           Q     So at the top right where it says, "Date of  
8     This Report", that is where I'm getting at.

9           A     Yes, right.

10          Q     And then, I'm sorry. What is the First  
11     Watch?

12          A     That is the midnight shift.

13          Q     When did that begin and when does it end?

14          A     You want the hours?

15          Q     Yes, please.

16          A     We start around midnight and we can end at  
17     8:30 in the morning.

18          Q     And then in this handwritten portion, the  
19     first line looks like it's a time and a date?

20          A     Right.

21          Q     09:20, would that be 9:20 in the morning?

22          A     It looks like 9:20.

23          Q     Are you writing in military time, so that  
24     would be a.m.?

1           A     Yes, that would have been military time.

2           Q     Would that be the date that you are writing  
3 the report -- or would that be the time that you are  
4 writing the report or the time that you spoke with the  
5 witness in this statement?

6           A     I'm not certain.

7           Q     Do you know or do you remember how this  
8 person got into contact with you?

9           A     It says "telephone". So I imagine called the  
10 station.

11          Q     That was my question. Have you already spoke  
12 with the family or to the best of your recollection she  
13 probably just called the station and you were the  
14 person on the case so they transferred her to you?

15               MS. ITCHHAPORIA: Objection to form and  
16 foundation. Go ahead.

17               THE WITNESS: Possibly.

18 BY MS. SAMUELS:

19          Q     As you sit here today, do you have any reason  
20 to believe that she would have had your direct contact  
21 information?

22          A     That she would have had my contact  
23 information?

24          Q     Yes, sir.

1           A     She was left with it the day before when we  
2     visited her to advise her of her brother's demise.

3           Q     Do you remember meeting with her?

4           A     I remember that we met with her. I do not  
5     remember her specifically, no.

6           Q     Where do you recall meeting with her?

7           A     I believe it was at her residence.

8           Q     Who all was present?

9           A     Again, I don't have an independent  
10    recollection. I believe it was me, my partner, her  
11    boyfriend and her. I think that was just the four of  
12    us.

13          Q     Can you read what this report says?

14          A     With some difficulty, yes.

15          Q     Go for it.

16          A     My handwriting is not the greatest. So what  
17    would you like me to --

18          Q     Hello?

19                MS. ITCHHAPORIA: Are you asking him to read  
20    out loud?

21                THE WITNESS: What do you want me to read,  
22    the narrative part there?

23    BY MS. SAMUELS:

24          Q     Yes, please.



1           A     I believe it says that she talked to Marsenna  
2     and then there is a home phone number.  Sometime -- I  
3     can't read the next word very well.  Of her brother,  
4     girlfriend of her brother who told her that Mark was  
5     seen by a musician at the Cardinal Club at Laramie and  
6     Belmont whose name is Yager.  Mark left by himself  
7     about 00:30 hours saying that he was going to Michelle  
8     Palace on Irving Park and Laramie.

9           Q     Is it your understanding that the information  
10    Majdak's sister was relating to you, came from Marek  
11    Majdak's girlfriend?

12          A     That is what it seems like, yes.

13          Q     Do you recall doing any follow-up after you  
14    received this information?

15          A     I didn't, no.

16          Q     Do you recall asking anyone else to conduct  
17    any follow-up?

18          A     I don't know if I talked to a Sergeant and  
19    told him what I learned.  Other than that, I don't  
20    know.  I don't believe I was told to give it to  
21    somebody in particular.

22          Q     Is there anybody that you would be expected  
23    to report to or let them know about the information  
24    that you discovered?

1           A     I would -- I specifically know, but I believe  
2     that I would have talked to my Sergeant or a Sergeant.

3           Q     I'm sorry. And in that GPR where it says  
4     0:30, my understanding is that is military time and  
5     that is 12:30 midnight?

6           A     That it was what?

7           Q     That would have been 30 minutes after  
8     midnight?

9           A     Oh, you mean at the bottom? Thirty minutes  
10    after midnight, yes.

11          Q     I have some more GPRs for you that we are  
12    going to walk through.

13          A     You want to put this one back then?

14          Q     So this is City NK 102. I think they are  
15    like 105 or 109. I'm sorry through 108. We just did  
16    109.

17                MS. ITCHHAPORIA: Just a second. I'll give  
18    him the hard copies. We just did 108, right?

19                MS. SAMUELS: Yes.

20                MS. ITCHHAPORIA: I'm going to hand him 102  
21    through 107.

22                MS. SAMUELS: Yes.

23                MS. ITCHHAPORIA: Is that Exhibit 2?

24                MS. SAMUELS: Yes.

1 BY MS. SAMUELS:

2 Q This is City NK 102. Do you recognize this  
3 document?

4 A Yes.

5 Q This is one of the documents that you  
6 reviewed in preparation for your deposition?

7 A Is it what?

8 Q One of the documents you reviewed in  
9 preparing for your deposition?

10 A Yes, it is.

11 Q And then this doesn't look like your  
12 handwriting, but your name is signed as one of the  
13 reporting officers?

14 A Right. Not mine.

15 MS. ITCHHAPORIA: Let her get her question  
16 out.

17 BY MS. SAMUELS:

18 Q So is it my understanding that this report  
19 would have been created in conjunction with Detective  
20 Wolverton?

21 A Yes.

22 Q How often did you work with Detective  
23 Wolverton?

24 MS. ITCHHAPORIA: Objection. Form.

1 Foundation. Go ahead.

2 THE WITNESS: What was the question again?

3 MS. SAMUELS: How often did you work with  
4 Detective Wolverton?

5 THE WITNESS: We weren't regular partners if  
6 that is what you are getting at.

7 BY MS. SAMUELS:

8 Q I'm just wondering how familiar you were with  
9 him?

10 A I had known him in the 11th District. When  
11 he was -- well, I only worked with him once in my 25  
12 years there, but I knew him. I knew him.

13 Q When you say in the 11th District, where was  
14 he assigned and where were you assigned?

15 A Let's see. Now that I think about it, maybe  
16 I never worked with Donnie. I knew his partner. I  
17 worked with his partner, Curtovitch a number of times.  
18 But I encountered Donnie -- I remember him being a  
19 pretty good officer. He worked the midnight Tact Team,  
20 just him and his partner.

21 Q So is it fair to say you both were on the  
22 Tact Team for the 11th District during the same time  
23 period?

24 A We didn't work together. He was on a

1 midnight team. I was just a -- it was just him and  
2 Steve Curtovitch worked together. They worked  
3 midnights. I don't remember when it started. I don't  
4 remember when it ended.

5 Q All right. So you were both tactical  
6 officers at the same time for the 11th District, but  
7 you guys were never partners together, is that fair?

8 A We never partnered together. I don't believe  
9 we ever partnered together. As far as the Tact team  
10 goes, we did not work at the same time. We never  
11 partnered.

12 Q And so, the way that this is set up, is the  
13 south side of the street is on the north side of the  
14 street, is that fair?

15 A The south side of the street is on the what?

16 Q On the north side of the paper.

17 A You are talking about the diagram?

18 Q Yes, sir.

19 A It is not how maps are usually laid out, but  
20 it depicts how the area was at that time. You could  
21 say the north side of the street was on the bottom end  
22 and the south side of ths street is on the top end.

23 Q All right. And so this diagram indicates a  
24 knee and a shoe print sort of in front of 2747. Do you

1 see that?

2 A Yes. All that is at the bottom.

3 Q Do you have any reason to believe that this  
4 knee print or shoe print was related to the shooting of  
5 Marek Majdak?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Foundation.

8 THE WITNESS: I'm misunderstanding the  
9 question. Would you repeat it, please?

10 BY MS. SAMUELS:

11 Q So on your crime scene diagram, there is a  
12 lot of different things indicated, right?

13 A Yes.

14 Q And one of the things that is indicated is a  
15 knee print and the shoe print next to a tree?

16 A That is what it indicates.

17 Q So my question is, do you have a reason to  
18 believe that the knee print and/or shoe prints were  
19 related to the murder of Marek Majdak?

20 MS. ITCHHAPORIA: Same objection. Form.  
21 Foundation. Go ahead.

22 THE WITNESS: I don't know whether it was or  
23 not.

24

1 BY MS. SAMUELS:

2 Q You just put everything down and if it is  
3 relevant, at least you have it.

4 MS. ITCHHAPORIA: Objection. Form. It  
5 mischaracterizes. Go ahead.

6 THE WITNESS: You put down what you can see  
7 and what could be relevant.

8 BY MS. SAMUELS:

9 Q And then do you see how this alley is  
10 indicated right before you get to the lot where the  
11 playground, where the van was parked in front of?

12 A Yes.

13 Q Does that refresh your recollection at all  
14 about whether or not you searched that alley?

15 A I don't recall searching the alley.

16 Q Were you ever able to identify the owners of  
17 all the other vehicles that were found on the street?

18 MS. ITCHHAPORIA: Objection. Foundation. Go  
19 ahead.

20 THE WITNESS: I don't recall.

21 BY MS. SAMUELS:

22 Q Is that something that you would normally do?

23 MS. ITCHHAPORIA: Objection. Form.

24 THE WITNESS: I don't know.

1 BY MS. SAMUELS:

2 Q Did it seem weird to you that the flashers  
3 were on in the vehicle?

4 MS. ITCHHAPORIA: Objection. Form.

5 THE WITNESS: I don't independently remember  
6 that.

7 BY THE WITNESS:

8 Q That the flashers were on or that you thought  
9 it might be weird?

10 MS. ITCHHAPORIA: Compound.

11 THE WITNESS: That the flashers were on.

12 BY MS. SAMUELS:

13 Q Do you see where my cursor is indicating  
14 right here?

15 A Was what?

16 Q Can you see where my cursor is indicated on  
17 the screen?

18 MS. ITCHHAPORIA: Her cursor is right here.  
19 That is what she is pointing to.

20 THE WITNESS: Okay. All right. You are  
21 indicating the description of the vehicle?

22 BY MS. SAMUELS:

23 Q Right. Yes, sir.

24 A Okay.



1 Q All right. Do you remember seeing the  
2 flashers on when you arrived at the scene?

3 A I don't independently recall that, no.

4 Q Do you recall drawing any conclusions based  
5 upon the flashers being on in the vehicle?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Foundation. Go ahead.

8 THE WITNESS: Not that I recall.

9 BY MS. SAMUELS:

10 Q Do you remember finding the keys on the floor  
11 in between the seats?

12 A I don't independently recall.

13 Q And do you know when they say "between  
14 seats", does that mean between the two front seats or  
15 between the front seat and the back seat?

16 MS. ITCHHAPORIA: Objection. Foundation.  
17 Form. Go ahead.

18 THE WITNESS: From what I've read, again I  
19 don't independently recall. What I read, it was under  
20 the dash. So it would be in the front seat.

21 BY MS. SAMUELS:

22 Q Do you remember drawing any conclusions about  
23 where the victim was sitting in the vehicle?

24 A No.

1           Q     Do you remember -- well, do you have any  
2     reason to believe that the victim drove himself to this  
3     location?

4           A     Circumstantially, yes.

5           Q     And what's that?

6           A     I don't know if anybody else having been in  
7     the car with him and friends saying that he was driving  
8     that car.

9           Q     Did it seem weird to you that the passenger  
10    door was open?

11                   MS. ITCHHAPORIA:  Objection.  Form.  
12    Foundation,  Go ahead.

13                   THE WITNESS:  I do recall that the passenger  
14    door was open.  I do recall that.

15    BY MS. SAMUELS:

16           Q     Did it look or seem to you that the car had  
17    been rifled through?

18                   MS. ITCHHAPORIA:  Objection.  Form.  Assumes  
19    facts.  Go ahead.

20                   THE WITNESS:  Not that I recall.

21    BY MS. SAMUELS:

22           Q     Did you draw any conclusions or make any  
23    suppositions about why the passenger door was open?

24           A     Supposition.  Just generally.  Somebody had

1 opened the passenger door. I don't know if it was the  
2 victim or somebody else.

3 Q Moving on to NK City 103?

4 A Okay.

5 Q It looks like this GPR was completed in the  
6 First Watch 13th of May 2000, is that correct?

7 A Yes.

8 Q And can you read the contents of this?

9 A Sure. At 01:40 hours military time we were  
10 assigned by Sergeant Vail to conduct the investigation  
11 of a possible homicide on Ohio. We arrived around  
12 2 o'clock. It was 200 hours. Then we took down --  
13 let's see 1:11, arrived about 01:15, 1:15, Officers,  
14 Burke, Star Number and M. Jackson Star Number. 1123 is  
15 the first on the scene. And it looks like Officer Leo  
16 and Officer -- I don't know what that is. It could be  
17 Goins. 1110 Sergeant Lewison, Star 465. He was there  
18 I gather about 1:20 a.m. Let's see. A call came out a  
19 person beat up on the street by a car. The car was  
20 from 4658 West Erie. There is a name there. I think  
21 Landon. 4725 and 4723 that were .40 caliber shell  
22 casings. Let's see. I'm not certain what the next one  
23 says. I don't know. I can't really make out what that  
24 said. Toll left from two dot of foot, 5-foot eight.

1 Might have been to his height. And there is a drawing  
2 with some numbers on it. And there is lines through  
3 the numbers. I believe I redrew the scene. I didn't  
4 leave myself enough room. Then we took down -- at some  
5 point I took down the victim's name, which had to be  
6 corrected.

7 Okay. Notifications, let's see. Oh,  
8 boy, I'm not sure what those are. Medical  
9 investigator. And then Star Number 51. I can't make  
10 out what the name is. Let's see. Again medical  
11 Institute, ME Number. And so this is somebody that  
12 apparently I made these notes when we got to the ME's  
13 office. We confirmed that what we saw was a gunshot  
14 wound to the left cheek bone and the buttocks. And  
15 let's see. I believe it is part of that -- our part of  
16 the canvas. 4723 West Ohio. Brookins, clearance.  
17 Male black, 28 August 62, possibly one shot. And I  
18 can't make out the rest of that. I don't know what the  
19 significance of that next line is. 4815 West Huron.  
20 No -- that might be where he lived. That is pretty  
21 much it.

22 Q Do you recall where you got this information  
23 about Marek?

24 A Where we got the information about the

1 victim?

2 Q Yes, sir.

3 A I believe he had an Illinois ID card on him.  
4 And then the name was so long, apparently they didn't  
5 make a space between it, his middle name and his last  
6 name.

7 Q And then do you remember speaking with the  
8 Medical Examiner's investigators?

9 A I don't independently recall that, no.

10 Q Do you recall if that would have, generally  
11 speaking, would that be in person or over the phone?

12 MS. ITCHHAPORIA: Objection. Form.  
13 Foundation. Go ahead.

14 THE WITNESS: I don't recall. I don't -- I  
15 don't think that I talked to anybody on the phone.

16 BY MS. SAMUELS:

17 Q And then it looks like it says that he was  
18 pronounced dead, 03:35, is that correct or am I reading  
19 that wrong?

20 A Okay. I could not make out my own  
21 handwriting. It looks like when he was pronounced,  
22 yes.

23 Q And then going to the next page, which I  
24 think is the continuation of the canvass, 104. Can you

1 read these reports?

2 A Okay. It says 4717 West Ohio. 3:20 hours.

3 No answer. 04715 West Ohio 03:30, didn't -- let's see.

4 Apparently I didn't see anything or hear anything. And

5 then that is Maria Ott. It gives her date of birth and

6 her phone number. 4711 West Ohio 0:30 hours. That is

7 Mary Jackson, 03:40 hours. And there is -- again she

8 didn't say anything or she didn't give us anything.

9 Mary Jackson, date of birth, Phone Number 4709, no

10 answer. And apparently that other addresses there were

11 no answers.

12 Then there is a diagram then with the

13 addresses on it and marked as though they were

14 footprints. I made a note they are all partials except

15 for one. And then with the other information we

16 learned about the victim, where he lived at.

17 MS. ITCHHAPORIA: Read it.

18 THE WITNESS: 5:10 Clavey Lane, Highland

19 Park. There is a phone number, 817-432-0756. And I

20 believe it is a name -- let me see. I can't make out

21 the first name, Romanska, R-O-M-A-N-S-K-A, is the last

22 name. And Jan Ostoja, O-S-T-O-J-A. Let's see, unknown

23 residents, Logan Square Aluminum Roofing at 2500 North

24 Pulaski. I can't make out the first name L-U-K-E-R-Z,

1 I think, W-E-G-L-O-W-S-K-I. And I mentioned April 77  
2 is at 10453 West Touhy, second floor, social of  
3 [REDACTED]. Then Joanna J-O-A-N-N-A D.  
4 R-O-M-A-N-S-K-A. Driver's license R588 -- I can't make  
5 out the rest of it. Phone number is 847-699-1844;  
6 Apparently social of [REDACTED]. I believe the date  
7 of birth of [REDACTED] and I can't make out what  
8 the other numbers are. It looks like a phone number,  
9 but I can't make it out.

10 BY MS. SAMUELS:

11 Q This report was completed as well on the  
12 First Watch of May 13, 2000?

13 A It was made on the same day as the  
14 occurrence, yes.

15 Q And so my understanding for the first  
16 paragraph for West Ohio, 03:20. I'm guessing that is  
17 the time that you went and spoke to the people at this  
18 address?

19 MS. ITCHHAPORIA: Objection. Form.

20 THE WITNESS: Apparently.

21 BY MS. SAMUELS:

22 Q My understanding from your notation is that  
23 they didn't answer?

24 A That is what I put, yes.

1           Q     And for 4715 West Ohio, it looks like you  
2     went to talk to them at 3:30 a.m.?

3           A     Yes.

4           Q     And it looks like you got a name and some  
5     contact information?

6           A     Yes.

7           Q     And it looks like you wrote "didn't". What  
8     do you understand that to mean?

9                   MS. ITCHHAPORIA: Objection. Foundation. Go  
10    ahead.

11                  THE WITNESS: That they didn't see or hear  
12    anything.

13    BY MS. SAMUELS:

14           Q     For 4711 West Ohio it looks like you went to  
15    talk to them at 3:40 a.m.?

16           A     Yes.

17           Q     And you are also able to get some name and  
18    contact information?

19           A     Yes.

20           Q     But there is nothing indicated about what  
21    they may have seen or heard, is that fair?

22           A     Right.

23           Q     Do you understand that to mean anything?

24           A     That she had nothing to tell me about



1 anything that she had seen or heard.

2 Q For 4709 it looks like you put "no answer"?

3 A Correct.

4 Q All right. For 4707, 4703 and 4701, there is  
5 nothing indicated?

6 A Correct.

7 Q What do you understand that to mean?

8 MS. ITCHHAPORIA: Objection. Foundation. Go  
9 ahead.

10 THE WITNESS: That I was not able to raise  
11 anybody at those addresses.

12 BY MS. SAMUELS:

13 Q And you also drew a diagram showing  
14 footprints?

15 A Generally, yes.

16 Q Is it fair to say that these are all the  
17 footprints that you were able to -- that you were able  
18 to identify from the scene?

19 MS. ITCHHAPORIA: Objection. Form.

20 THE WITNESS: It looks similar to one another  
21 and it seems to have -- they seem to be red and they  
22 appeared that they may have had blood on them. And I  
23 went into the street, which it started raining too. I  
24 remember that. It started raining.

1 BY MS. SAMUELS:

2 Q And so it started raining before and after  
3 the murder?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation. Go ahead.

6 THE WITNESS: My belief, yes.

7 BY MS. SAMUELS:

8 Q And it looks like the information below is  
9 from where you were notifying the victim's family?

10 A Yes. That is what it looks like.

11 Q And you recall doing this in person, I  
12 believe you said?

13 A Yes. My partner and I went to the sister's  
14 house.

15 Q Do you know how you got that contact  
16 information?

17 A We went to the address where we believe the  
18 victim worked. We found someone who knew him who  
19 happened to be the boyfriend of his sister.

20 Q And he directed you to her?

21 A He took -- he accompanied us to the victim's  
22 sister's residence.

23 Q Going on to 105, it looks like this report  
24 was also created on the 13th of May 2000?

1 A Yes.

2 Q You can go ahead and read this report.

3 A Okay. The narrative says, Lindor L-I-N-D-O-R  
4 Thomas E. or L., a male Black, date of birth of [REDACTED]  
5 [REDACTED] at 4657 Erie in a house, west. I believe that  
6 social [REDACTED] disabled. And his phone number is  
7 773. It it looks like 656-3427. The interview says he  
8 was told by his brother-in-law, a gentleman by the name  
9 of Jesse Wallace, a male black about 53. He was at  
10 Pullmon's Restaurant and was coming home on the north  
11 side of the street. I assume that was Ohio. Saw a van  
12 with the window broken out and unknown body across the  
13 street.

14 Q Do you remember how you came to know about  
15 Mr. Lindor?

16 A I believe the phone call that -- I'm not  
17 certain. But I believe the phone call came in from  
18 that address that relates to us. We went to interview  
19 whom we could at that address.

20 Q So like a 9-1-1 call?

21 A Yes.

22 Q Moving on to City NK 106. It looks like it  
23 is a report that was written by Detective Wolverton but  
24 you are also a signatory at the bottom as well?

1           A     Right.

2           Q     And in this report it looks like it was  
3     completed on May 13, 2000 in the First Watch?

4           A     Yes.

5           Q     And you can go ahead and read this report.

6           A     Okay. Assignment, Sergeant Vail. I don't  
7     know. He put White 29 with Detective Cruz, Beat 111,  
8     paper car, S. Burke 8940 and POM Jackson 19284. Beat  
9     1110 and 1120 Sergeant Lewison. 1265, 1123 was the  
10    first on scene, protected the scene, 1115. Police  
11    officer L. Alejo, Star 10380, Beat 1171 transported at  
12    03:50 hours. Police Officer, J. Felton, Star Number  
13    5968. Police Officer W. Bartkowicz,  
14    B-A-R-T-K-O-W-I-C-Z, Star 7156. And 7602 STR Robby  
15    Tovar 12847. Those are the crime lab guys. And Pat  
16    Moran 7718 indicated a shell casing at 4725 on the  
17    sidewalk, center of the sidewalk and shell casings at  
18    4723 on the sidewalk, on the center of the sidewalk.  
19    Indicates a footprint. He puts down ME. 235 May '00,  
20    the year 2000. Medical Examiner, Anderson Star Number  
21    51, pronounced at 03:35 hours. And then indicates the  
22    van, which was a 1977 Dodge Van with a VIN Number  
23    2B4FP25B7VR129126. There is a temporary tag marked  
24    V149546. I don't know if this is part of the tag. I'm

1 not sure what it is. It says 6226300R345741. Expires  
2 6/28/2000. Going by the VIN. It had been registered  
3 to Magpayo Enrico and Macpago Lucia, 4684 North Mason  
4 in Chicago. And then it has their driver's license  
5 numbers it looks like, [REDACTED] and  
6 [REDACTED]. I'm not sure what this says. Cicero  
7 and I can't make out what that says.

8 Q It looks like it says Insanes?

9 A Cicero Insanes.

10 Q What do you understand that to mean?

11 MS. ITCHHAPORIA: Objection. Form. And  
12 foundation. Go ahead.

13 THE WITNESS: It might be the name of a gang.

14 BY MS. SAMUELS:

15 Q Do you remember learning anything about the  
16 Cicero Insanes relative to the murder of Marek Majdak?

17 A I don't recall any.

18 Q Do you know why it would be noted on this  
19 report that --

20 THE WITNESS: I don't know where that came  
21 from.

22 MS. ITCHHAPORIA: I'm sorry, Jeanette. Were  
23 you done?

24 MS. SAMUELS: Go ahead.

1 MS. ITCHHAPORIA: Objection. Foundation.

2 And then you go ahead.

3 THE WITNESS: I don't recall where that  
4 information came from.

5 BY MS. SAMUELS:

6 Q Do you recall reviewing this report before  
7 your name was signed to it?

8 MS. ITCHHAPORIA: Objection. Form. Go  
9 ahead.

10 THE WITNESS: I didn't actually sign it. I  
11 just put my name on it.

12 BY MS. SAMUELS:

13 Q Do you have any reason to believe that  
14 anything in this report is inaccurate?

15 A Not to the best of my knowledge.

16 Q So my understanding is this murder occurred  
17 approximately a block or on the block immediately east  
18 of Cicero, is that your understanding?

19 A Yes.

20 Q Do you have any reason to believe that that  
21 area is not Cicero Insanes' territory?

22 MS. ITCHHAPORIA: Objection. Foundation.

23 THE WITNESS: I don't know where the  
24 territory begins and ends. I don't have specific

1 knowledge about the Cicero Insanes.

2 BY MS. SAMUELS:

3 Q So my question is, do you have any reason to  
4 believe that the 4700 block of West Ohio is Cicero  
5 Insanes' territory?

6 A I have no idea.

7 Q Do you know why gang affiliation might be  
8 noted on a GPR where a body was found?

9 MS. ITCHHAPORIA: Objection. Foundation.  
10 Asked and answered. Go ahead.

11 THE WITNESS: I have no idea where the  
12 information came from, what it pertains to.

13 BY MS. SAMUELS:

14 Q Continuing to City NK 107. This report was  
15 also completed on 13 May 2000 during the First Watch.

16 A Yes.

17 Q My understanding is this is all Detective  
18 Wolverton's handwriting, but your signature too as  
19 well?

20 MS. ITCHHAPORIA: Objection. Form.

21 THE WITNESS: I did not sign it, but put my  
22 name on it.

23 BY MS. SAMUELS:

24 Q Do you believe that Detective Wolverton

1 should not have signed your name to his report?

2 A No.

3 Q Can you go ahead and read this report for me?

4 A Okay. Look like in the narrative, OCC, the  
5 current 0110, 03:35 pronounced, 4721 West Ohio, single  
6 bungalow. There is a gate with a steel fence and there  
7 is a drawing of where the steel fence would be at and  
8 where the address is at and where the body was, how the  
9 body was laying. Let's see. It looks like it says GSW  
10 which is gunshot wound two inches from ear, left eye.  
11 Two inches from earlobe and two inches from left eye.  
12 Gunshot wound to the upper cheek. Okay that is the  
13 description of that one. And there is a gunshot wound  
14 to the left buttocks. I don't know what the SS card  
15 means. Oh, I got ahead of myself. It gives the  
16 description of what he was wearing. Light white  
17 T-shirt, gray corrody pants, white socks, blue and  
18 white gym shoes. Any marks: Well, he did put in there  
19 ME, ME phone number, Fax Number 312-997-4533 or 4400.  
20 And he write out the identification card. The  
21 Secretary of State Identification Card he writes the  
22 name ERYK MAJDAK and the last name and Marek is the  
23 first name. He puts in their drivers' license. I  
24 don't know if he meant drivers' license or ID card.



1 Put in the address of 6952 West Diversey. Then he puts  
2 old MG, I don't know what that means.

3 Date of birth, [REDACTED]. Social  
4 Security Number [REDACTED], 6' 203, brown hair and  
5 brown eyes. Driver's license number of [REDACTED] -- I'm  
6 sorry. [REDACTED]. Again repeats, shell casings  
7 at 4725 on sidewalk. And 4723, 4725 on parkway it is a  
8 footprint in the mud. Also appear to be a knee print.  
9 Victim's vehicle is parked at 4726 West Ohio. The  
10 passenger door open. They put the passenger door  
11 window. Bloody footprints from body on sidewalk at  
12 4721, 4717. At 4715 ran through the parkway crossing  
13 street. Oh, I see. The passenger window broken out  
14 and hazard lights are on. That's the narrative.

15 Q It says, "hazard lights". What do you  
16 understand that to mean?

17 MS. ITCHHAPORIA: Objection. Foundation.

18 THE WITNESS: Flashing lights, you know, the  
19 emergency lights, flashing lights.

20 BY MS. SAMUELS:

21 Q How were you able to determine that the  
22 occurrence happened at ten after 1:00 a.m.?

23 MS. ITCHHAPORIA: Objection. Form.  
24 Foundation.

1 THE WITNESS: That is an approximate time.

2 BY MS. SAMUELS:

3 Q Do you remember what that was based on?

4 A I believe the time that the call came in.

5 Q I'm showing you what is marked as City 109.

6 Do you have that?

7 MS. ITCHHAPORIA: No. Are you marking 109 as  
8 Exhibit 3 or is it part of Exhibit 2?

9 MS. SAMUELS: Part of Exhibit 2.

10 BY MS. SAMUELS:

11 Q And it looks like this report was completed  
12 on May 2000 during the First Watch?

13 A That is what it looks like, yes.

14 Q And then that is your signature at the  
15 bottom?

16 A That is my signature.

17 Q Can you go ahead and read this report for me?

18 A 15 May 0830 call Marsalane Nonakie, 1220  
19 South Imbria Drive in Schaumburg, phone number  
20 847-923-1841. She was told by musician at the Cardinal  
21 Club. You last saw Marek after midnight. I can't read  
22 the name too well. It looks like J-A-R-S-K-I. Phone  
23 number, 847-806-0966. Lives at 2411 South Gobert Road.  
24 In Arlington Heights. And then it looks like a time,

1 0005 hours. Girlfriend said he worked late last night.

2 And will be awake later in the day and in the PM.

3 Q All right. Do you recall following up with  
4 this individual?

5 A I don't believe I made a call no. I would  
6 have been off work then.

7 Q And so would you have passed it on to someone  
8 else or how would that work?

9 MS. ITCHHAPORIA: Objection. Form.

10 THE WITNESS: I believe I would have told a  
11 Sergeant.

12 BY MS. SAMUELS:

13 Q So you would have told the Sergeant that  
14 there is a witness that needs to be followed up with?

15 MS. ITCHHAPORIA: Objection. Form and  
16 foundation. Go ahead.

17 THE WITNESS: Yes. Generally, yes.

18 BY MS. SAMUELS:

19 Q And then would you do that expecting that the  
20 Sergeant would assign somebody else to follow up with  
21 him?

22 MS. ITCHHAPORIA: Objection. Form.

23 Foundation. Calls for speculation. Go ahead.

24 THE WITNESS: That would have been the

1 intent, yes.

2 MS. SAMUELS: We can stop sharing that.

3 MS. ITCHHAPORIA: Are you at a good stopping  
4 point? Can we take a lunch break?

5 MS. SAMUELS: I was about to recommend that.  
6 How long do you guys want?

7 MS. ITCHHAPORIA: Go to like 1:45.

8 MS. SAMUELS: That's good.

9 MS. ITCHHAPORIA: Thanks everyone.

10 (LUNCH BREAK)

11 A F T E R N O O N S E S S I O N

12 MS. SAMUELS: Okay. Going back on the  
13 record. I'm going to show you what's been marked 127  
14 through 130, I believe.

15 MS. ITCHAPORIA: I'm sorry. What was that?

16 THE WITNESS: 130.

17 MS. ITCHAPORIA: Exhibit 30?

18 MS. SAMUELS: Yes.

19 THE WITNESS: Okay.

20 BY MS. SAMUELS:

21 Q Have you had a chance to look over these GPRs  
22 before?

23 A Yes.

24 Q And it looks like City NK 127. It likes like

1 this report was written by Wolverton and you also  
2 signed it, is that correct?

3 A I didn't sign it, but he wrote my name down  
4 there.

5 Q All right. Do you believe that your name  
6 shouldn't have been signed to this report?

7 A It is. Yeah, it's pretty general. It would  
8 have been the same information that I would have  
9 learned.

10 MS. ITCHAPORIA: I don't think he heard the  
11 question?

12 BY MS. SAMUELS:

13 Q Do you need me to repeat the question?

14 A Please.

15 Q So my question was, do you think that your  
16 name should not have been signed to this report?

17 A No. I think the report is accurate.

18 Q And it looks like it was completed on 13, May  
19 2000 during the First Watch?

20 A Yes.

21 Q Can you go ahead and read the report?

22 A Okay. It starts, Employer Logan Supply, 2500  
23 North Pulaski, factory worker. Okay. I'm not sure.  
24 Let's go with the 773-235-2500. Only been at the place

1 of employment for two weeks. The first payment was the  
2 12th of May. Fellow unknown workers after work on 12  
3 May to a bar, Vontage 2600 North Pulaski. Also met a  
4 female white Polish at a bar unknown. He told his  
5 mother. On the other side it says Employer 10483 West  
6 Touhy, Apartment 2E, Rosemont 60018. Phone number  
7 847-699-1844. There are arrows. There is a name or --  
8 excuse me, Joanna Romaska. There is an arrow saying  
9 sister. 10485 West Touhy, second floor in Rosemont  
10 60191. Phone Number 847-699-1844. It is also another  
11 phone number under the name of Joanna Romaska  
12 773-259-4928. An arrow pointing to -- it says  
13 boyfriend, Lukerz Weglowski. Same address as the 10485  
14 West Touhy in Rosemont. And there is an address that  
15 is stricken out, 2525 North Nordica. Address on paper  
16 found in van. The sister went to the Medical Examiner  
17 and identified the body. That's it.

18 Q Does this refresh your recollection about  
19 finding a paper in the van?

20 A I don't recall a paper in the van.

21 Q Do you know whether or not that was  
22 inventoried?

23 MS. ITCHHAPORIA: Objection. Form.  
24 Foundation.

1 THE WITNESS: I don't know. I don't recall  
2 it.

3 BY MS. SAMUELS:

4 Q Should that have been inventoried?

5 A Not necessarily.

6 Q Why not?

7 A It doesn't seem relevant to the case.

8 Q Why don't you think that's relevant?

9 MS. ITCHHAPORIA: Objection. Form.

10 Argumentative.

11 THE WITNESS: Like I said, I don't know  
12 anything about this piece of paper. I don't recall  
13 seeing it. Go ahead. I'm sorry.

14 Q So if you had found a piece of paper with the  
15 information that you thought was relevant --

16 MS. ITCHHAPORIA: Form. Foundation.

17 BY MS. SAMUELS:

18 Q If you had found a piece of paper with the  
19 information that you thought was relevant to the case,  
20 would it have been inventoried?

21 MS. ITCHHAPORIA: Same objection.

22 THE WITNESS: Probably.

23 BY MS. SAMUELS:

24 Q Do you know whether Majdak's key or the keys

1 to the vehicle were inventoried?

2 A I don't recall.

3 Q Would they have been inventoried?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation.

6 THE WITNESS: Should they have been  
7 inventoried?

8 BY MS. SAMUELS:

9 Q Yes, sir.

10 A I don't know why it would be.

11 Q If you did not think the keys were relevant  
12 to the investigation, would they have been inventoried?

13 MS. ITCHHAPORIA: Objection. Form.  
14 Incomplete hypothetical.

15 THE WITNESS: Keys possibly stay with the  
16 vehicle.

17 BY MS. SAMUELS:

18 Q So that is a no?

19 A Well --

20 MS. ITCHHAPORIA: Object to form.

21 THE WITNESS: When you impound the vehicle,  
22 it is essentially inventoried.

23 BY MS. SAMUELS:

24 Q All right. Do you have any reason to believe



1 that there had been some sort of struggle in the  
2 vehicle?

3 MS. ITCHHAPORIA: Objection. Foundation. Go  
4 ahead.

5 THE WITNESS: Well, there was broken glass in  
6 the vehicle and it appeared to be some blood on the  
7 passenger seat of the vehicle. I would say yes.

8 BY MS. SAMUELS:

9 Q All right. And if I remember correctly, the  
10 keys were found under the dash, correct?

11 A I believe that was noted that way. I don't  
12 recall. I don't have an independent recollection where  
13 they were at, but I believe there is a notation -- it  
14 is in a report somewhere, I believe. I can't swear to  
15 it.

16 Q Do you know -- I'm sorry. When I say "dash",  
17 I'm thinking of like the area like under the front  
18 console and the front passenger seat. That is what we  
19 are thinking of, right?

20 A Again, I don't recall. I don't have an  
21 independent recollection of where the keys were found.

22 Q A semi-automatic, assuming they are found  
23 under the front passenger seat dashboard. That would  
24 have been the area where some it looked like some kind

1 of struggle had occurred, right?

2 MS. ITCHHAPORIA: Objection. Form.

3 THE WITNESS: I don't know.

4 BY MS. SAMUELS:

5 Q What don't you know?

6 A Why anything would have been anywhere.

7 Q Right. I'm just saying, my understanding is  
8 that you saw broken glass and blood in the front  
9 passenger seat, right?

10 A Glass and blood. What appeared to be blood,  
11 yes.

12 Q And from that use, you surmised that there  
13 had probably been some sort of struggle?

14 MS. ITCHHAPORIA: Objection. Form.  
15 Mischaracterizes. Go ahead.

16 THE WITNESS: It could be believed, yes.

17 BY MS. SAMUELS:

18 Q So do you know why the keys weren't tested  
19 for the presence of DNA or fingerprints?

20 MS. ITCHHAPORIA: Objection. Form.  
21 Foundation. Assumes facts. Go ahead.

22 THE WITNESS: No, I don't.

23 BY MS. SAMUELS:

24 Q Is that something that should have been done?

1 MS. ITCHHAPORIA: Same objection.

2 THE WITNESS: Not necessarily.

3 BY MS. SAMUELS:

4 Q And why not?

5 A We don't know.

6 MS. ITCHHAPORIA: Objection. Foundation. Go  
7 ahead.

8 THE WITNESS: We don't know how the keys got  
9 to where they were.

10 BY MS. SAMUELS:

11 Q Wouldn't that be a reason to test it?

12 MS. ITCHHAPORIA: Objection. Form.  
13 Argumentative. Go ahead.

14 THE WITNESS: Would they have what?

15 MS. SAMUELS: Would that be a reason to test  
16 it?

17 MS. ITCHHAPORIA: Same objection.

18 THE WITNESS: I don't know.

19 BY MS. SAMUELS:

20 Q Do you know whether the paper -- do you know  
21 where in the van that paper was found?

22 MS. ITCHHAPORIA: Objection. Foundation.

23 THE WITNESS: Again, I don't recall anything  
24 about the paper.

1 BY MS. SAMUELS:

2 Q Should it be noted where that paper was found  
3 in the van?

4 MS. ITCHHAPORIA: Same objection.  
5 Foundation.

6 THE WITNESS: Not necessarily.

7 BY MS. SAMUELS:

8 Q And would you indicate where something was  
9 recovered?

10 MS. ITCHHAPORIA: Objection. Form.  
11 Incomplete hypothetical. Calls for a legal conclusion.  
12 Go ahead.

13 THE WITNESS: I don't know anything about the  
14 paper for one. And I -- looking at this report it says  
15 uncle address. I don't know what to say. It didn't  
16 seem to be relevant to what we were investigating.

17 BY MS. SAMUELS:

18 Q So hypothetically -- not hypothetically, you  
19 are investigating a murder, right?

20 A Yes.

21 Q And is it fair to say that this individual  
22 was found dead in a neighborhood where you wouldn't  
23 really expect him, correct?

24 A Okay.

1           Q     I mean I believe you testified to that  
2 earlier. If I'm misstating your testimony, let me  
3 know.

4           A     Okay. You are saying that the victim was  
5 found and I wouldn't have expected it. Is that what  
6 you said?

7           Q     Right.

8           A     Okay. So what do you want to know about it?

9           Q     I'm wondering how you knew that the paperwork  
10 that had an uncle's name on it wasn't relevant --  
11 that had his uncle's address on it wasn't relevant?

12                MS. ITCHHAPORIA: Objection. Form.  
13 Foundation. Asked and answered.

14                THE WITNESS: I'm sorry. If everything was  
15 relevant, then you would take, I don't know, the seat  
16 covers out. I don't know what else you would take. If  
17 there is anything in the van, would I just take  
18 everything that was in the van, not really. There is a  
19 limit as to what is reasonable that is involved with  
20 this case.

21 BY MS. SAMUELS:

22           Q     And my question is, how do you make those  
23 determinations?

24                MS. ITCHHAPORIA: Objection. Form.

1 THE WITNESS: By being reasonable.

2 BY MS. SAMUELS:

3 Q And so in your opinion, it would have been  
4 unreasonable to inventory the paper found in the van,  
5 is it fair to say?

6 A Can I have that read back? There is some  
7 feedback.

8 (WHEREUPON the record was read as  
9 follows:

10 "Q And so in your opinion, it  
11 would have been unreasonable to  
12 inventory the paper found in the  
13 van, is it fair to say?")

14 MS. ITCHHAPORIA: Objection. Form.  
15 Foundation. Argumentative and incomplete hypothetical.  
16 Calls for speculation.

17 THE WITNESS: I couldn't guess how the -- if  
18 there had been some sort of look like evidence or  
19 something trace on that, perhaps the explanation of how  
20 the paper was there and what it refers to indicates it  
21 had nothing to do with the case.

22 BY MS. SAMUELS:

23 Q Do you ever come to learn why Majdak was on  
24 the 4700 block on West Ohio at one in the morning?

1 A Do I have any what?

2 Q Did you ever come to learn why Marek Majdak  
3 was on the 4700 block of West Ohio at one in the  
4 morning?

5 A I don't know why.

6 Q And a similar question to before. Is it my  
7 understanding that you believe it would have been  
8 unreasonable to send the keys found in the van for  
9 testing?

10 MS. ITCHHAPORIA: Objection. Form.  
11 Argumentative. Incomplete hypothetical. Calls for  
12 speculation. Go ahead.

13 THE WITNESS: I don't know what we would have  
14 gleaned from the keys.

15 BY MS. SAMUELS:

16 Q Well, my understanding is that the police --  
17 the case is actually, you know, what -- so it is based  
18 on your understanding of the facts of the case that the  
19 presence, whether or not there is the presence of --  
20 I'm sorry. Let me ask it this way.

21 Based on what you know into the  
22 investigation of Marek Majdak, is it your  
23 understanding that, as you sit here today, that  
24 there would have been no forensic value to testing

1 the keys found in the car for the presence of DNA?

2 MS. ITCHHAPORIA: Objection. Form.

3 Foundation and incomplete hypothetical. Calls for  
4 speculation.

5 THE WITNESS: I have no reason to believe  
6 that had any evidentiary -- there was anything  
7 evidentiary about the keys.

8 BY MS. SAMUELS:

9 Q And then going on to the City NK 128?

10 A Okay.

11 Q This similarly looks like a GPR that was  
12 written by Defendant Wolverton where he also signed  
13 your name, is that fair, sir?

14 A He printed my name, yes.

15 Q Do you believe that your name should not have  
16 been signed to this report?

17 A No. I have no reason to believe that there  
18 is anything that is not factual in this report.

19 Q Was it common practice for him to sign your  
20 name to the report and or vice versa?

21 A What?

22 Q Was it common practice for him to sign your  
23 name to reports?

24 A I don't know if it was common or not. We



1 have seen it on several of his reports. On other  
2 reports he doesn't have my name. He may have just felt  
3 that it would be good to do at that time. I don't know  
4 what Donnie was thinking.

5 Q Do you ever sign his name to your reports?

6 A Again I'm not -- would you repeat that  
7 please?

8 Q Do you ever sign his name to your reports?

9 A I don't believe I did.

10 Q Why not?

11 A It wasn't my practice.

12 Q This looks like this report was completed on  
13 May 13, 2000?

14 A Yes.

15 Q You can go ahead and read this report.

16 A Okay. 4727 and 4731 locked gate 6 foot gate.

17 No response, 4725 West Ohio house. Female 30, Phone

18 Number, 773-378-4210. Didn't hear or see anything.

19 Kenneth Wallace, male black, 18, no information. So I

20 assumed the same. 4723 West Ohio, house, Danny

21 Brookins, male, 32, date of birth, [REDACTED] phone

22 number, 773-379-9175. At a friend's house at 7106

23 West. It doesn't say where. And then there is F.

24 Robert, male 59, okay. I'm sorry. It looks like at

1 706 West, probably -- no that is all it says. And then  
2 white female 38, [REDACTED], Diane Holmes. No phone.  
3 Didn't hear anything. M -- female 57, 4721 West  
4 probably Ohio. No response. 4704, no response. 4717  
5 Betty Edwards, female black, 62, 773-626-3580. Nothing  
6 follows. 2715 West John, didn't hear, sleeping. 4711  
7 West, John -- I don't know what that says. 4709 West,  
8 no response. 4707 West, no response, 4703 West, no  
9 response. Pope Lisa, female 121, no phone. Heard  
10 shots, saw nothing. Daton, Ken, male black, 18,  
11 address 4701 West, no response. There are other notes  
12 here, 4704, no response, 4708, vacant. 4710, vacant.  
13 That is the whole of the report.

14 Q And is this all in Wolverton's handwriting or  
15 in your handwriting?

16 A Is all this what?

17 Q Is all of this in Wolverton's handwriting or  
18 is any in your handwriting?

19 A It is his handwriting.

20 Q When you canvass, do you canvass as a team?

21 A No.

22 Q Can you explain to me how you canvass?

23 A You go door to door. See, if you can get a  
24 response and see if somebody answers the door and

1 interview them, if you can. If they have anything to  
2 say, if they have -- whatever, they say, usually that  
3 is how it is done.

4 Q And so you would generally be speaking to a  
5 person one on one?

6 A Generally, yes.

7 Q Continuing to City NK 129, it looks like this  
8 was a report written by Detective Wolverton with your  
9 name signed at the bottom?

10 A My name is printed at the bottom, yes.

11 Q Do you feel that your name should not have  
12 been printed at the bottom?

13 A No. I don't. I believe what I wrote down is  
14 accurate and truthful.

15 Q And it looks like this report was completed  
16 on 13 May 2000.

17 A 13 May 2000, yes.

18 Q It looks like this report indicates the cars  
19 that were parked on the street?

20 A Right.

21 Q Why would that be noted?

22 MS. ITCHHAPORIA: Objection. Form. And  
23 calls for speculation. Go ahead.

24 THE WITNESS: Just documenting what was

1 present.

2 BY MS. SAMUELS:

3 Q You wouldn't expect to do any follow up with  
4 this information?

5 MS. ITCHHAPORIA: Objection. Form.

6 Incomplete hypothetical. Calls for speculation.

7 THE WITNESS: Not necessarily, no.

8 BY MS. SAMUELS:

9 Q When you say "not necessarily", what does  
10 that mean?

11 A I have no reason to -- it is -- yeah,  
12 relevancy.

13 Q So you had no reason to believe this  
14 information was relevant?

15 A At the time, no.

16 Q Would you have run the plates?

17 MS. ITCHHAPORIA: Objection. Calls for  
18 speculation.

19 THE WITNESS: Possibly.

20 BY MS. SAMUELS:

21 Q Did it seem weird to you that this was a  
22 truck parked outside 2721, but no one answered at the  
23 door?

24 MS. ITCHHAPORIA: Objection. Form.

1 Foundation. Calls for speculation.

2 THE WITNESS: A vehicle that necessarily gets  
3 parked in front of where it was -- the driver, it could  
4 have parked on a different part of the street. Maybe  
5 lived on another part of the street. I have no idea.

6 BY MS. SAMUELS:

7 Q Right. My question was, does that seem weird  
8 to you?

9 A No.

10 Q Do you recall running or checking with Elite  
11 Rental to see who had that truck out at 4721?

12 A No.

13 Q 4721 was where the body was found, right?

14 A I believe.

15 Q And going to City NK 130, this too looks like  
16 a report that was written by Detective Wolverton that  
17 had your name at the bottom as the reporting officer?

18 A Yes.

19 Q Do you believe that your name should not be  
20 listed as a reporting officer on this GPR?

21 A No. I trusted Donnie to be factual and  
22 truthful.

23 Q And it looks like this report was created on  
24 30 May 2000 during the First Watch?

1           A     That is what it indicates, yes.

2           Q     Do you recall learning that a statement had  
3     been given by Xavier Walker --

4                     MS. ITCHHAPORIA:  Objection.  Form.  
5     Foundation.  Go ahead.

6                     THE WITNESS:  At the time of this report?

7     BY MS. SAMUELS:

8           Q     Yes, sir.

9           A     I don't know.  I don't recall that I knew  
10    much about Xavier.  I just knew that he had been  
11    arrested, but I didn't know anything about the  
12    hospital, anything about what was done or how he was --  
13    I didn't know anything about it.

14          Q     Do you know why the vehicle wasn't checked  
15    for prints sooner?

16                     MS. ITCHHAPORIA:  Objection.  Form.  
17    Foundation.

18                     THE WITNESS:  Okay.  This is a process that  
19    took -- with the dusting, it can prevent some of --  
20    another method they use for testing prints.  And that  
21    is using, I believe, superglue to raise the prints on  
22    different surfaces.  So if it had been dusted on the  
23    scene, it might not -- the print might not -- some  
24    prints might be missed then.  And you could compromise

1 those prints. When they took it, they took it to be --  
2 it is called superglue.

3 Q My question is, the first time the  
4 supergluing in the question is May 2000?

5 A Correct.

6 Q Do you know why that wasn't requested sooner?

7 A It was requested. They don't always get  
8 around -- it is a rather elaborate process. As I'm  
9 reading this report, it seems as though Tovar and Moran  
10 dusted the car for prints at the scene, and then they  
11 had it superglued to see if there were any other prints  
12 that they might be able to bring up. It is a process  
13 that's rather complicated. You have to isolate the  
14 vehicle. You have to tint it. I'm not sure of the  
15 whole process. But I know it was originally dusted for  
16 prints, but then superglued it and see if there is any  
17 other prints.

18 Q Because information about who was inside the  
19 vehicle was very important?

20 A Yes.

21 Q To your knowledge, was there ever any  
22 evidence that Mr. Walker had been inside that vehicle?

23 MS. ITCHHAPORIA: Objection. Foundation.

24 THE WITNESS: Not to the best of my

1 knowledge.

2 BY MS. SAMUELS:

3 Q And so my understanding is based upon  
4 interviews that Marek Majdak had just got paid for the  
5 first time on the 12th of May basically hours before  
6 his murder, is that your understanding?

7 A Yes. That is my understanding.

8 Q Did you ever inquire about how he could  
9 afford to purchase a car from 1997 without a paycheck?

10 MS. ITCHHAPORIA: Objection. Form.  
11 Foundation. Assumes facts. Go ahead.

12 THE WITNESS: I understand his mother helped  
13 him buy the car.

14 BY MS. SAMUELS:

15 Q Was that recorded anywhere?

16 A I don't know if it is or not.

17 Q You just remember that?

18 A Yeah. I remember that his mother -- he was  
19 living with his mother and that she was trying to help  
20 him get money through working to bring his wife and  
21 children over from Poland.

22 Q Did it seem weird to you that he was  
23 ostensibly saving money to bring to America his wife  
24 and children but he had two girlfriends in America?



1 MS. ITCHHAPORIA: Objection. Form.  
2 Foundation. Calls for speculation. Assumes facts. Go  
3 ahead.

4 THE WITNESS: I don't know. He was lonely.

5 BY MS. ITCHHAPORIA:

6 Q Was that ever an area of inquiry when trying  
7 to figure out who might want him dead?

8 A I don't know.

9 Q Did it ever seem weird to you -- actually  
10 never mind. Never mind.

11 Do you recall inventorying some  
12 shoes?

13 A Yes.

14 Q Why were those shoes inventoried?

15 A Why?

16 Q Yes.

17 A They had -- we received information that  
18 Jovanie Long had given a pair of shoes to somebody.  
19 And I thought it possible that those were the shoes  
20 that he had worn those shoes during the homicide that  
21 those shoes might have evidence.

22 Q What type of evidence did you expect to find  
23 on the shoes?

24 MS. ITCHHAPORIA: Objection. Form.

1 Foundation. Assumes facts.

2 THE WITNESS: I didn't expect to find any. I  
3 was hoping to find maybe some blood and maybe some DNA  
4 from the sweat.

5 BY MS. SAMUELS:

6 Q When you say "DNA", you mean from the victim  
7 or from Mr. Long?

8 A Blood from the victim and sweat from the  
9 offender. He had been wearing the shoes.

10 Q Were those the only shoes in the house or  
11 were those that -- they said belonged to him or did  
12 they point out that particular pair?

13 MS. ITCHHAPORIA: Objection. Form.  
14 Foundation.

15 THE WITNESS: These were shoes given by  
16 Jovanie through somebody and there was just hope that  
17 those could be tied together.

18 BY MS. SAMUELS:

19 Q Before you inventoried them, do you compare  
20 the treads on those shoes with the treads that were on  
21 the sidewalk?

22 A I don't believe they were compared, no.

23 Q Did you think that those were -- might have  
24 been the shoes that left the treads on the sidewalk?

1 MS. ITCHHAPORIA: Objection. Form.  
2 Foundation.

3 THE WITNESS: I don't know. There was no  
4 traces of blood on the shoes and I told them that they  
5 could not get DNA from sweat. And it didn't come back  
6 for like three years, the examination. I think it was  
7 2003. By that time, Court had already been. We had  
8 already been to court.

9 BY MS. SAMUELS:

10 Q I guess my question is, so at the time that  
11 you are inventorying the shoes, did you think that  
12 those were -- the possibility that those were the shoes  
13 that had left the footprint?

14 A It's possible, yes.

15 Q Do you recall reviewing the autopsy photos  
16 from Marek Majdak?

17 MS. ITCHHAPORIA: Objection. Form,  
18 Foundation.

19 THE WITNESS: Do I recall reviewing the  
20 autopsy reports?

21 MS. SAMUELS: Yes.

22 MS. ITCHHAPORIA: The reports or photos?

23 BY MS. SAMUELS:

24 Q I said reports. I said photos, but he said

1 reports. But that was going to be my next question  
2 anyway.

3 A I looked at them. I don't recall them.

4 Q Is that something that you would have looked  
5 at during the time that you were investigating his  
6 murder?

7 A Sometime afterwards.

8 Q You mean after you were investigating his  
9 murder you would have looked at them?

10 MS. ITCHHAPORIA: Objection. Form.  
11 Foundation.

12 THE WITNESS: My part of the investigation  
13 was essentially the crime scene and then the interviews  
14 afterwards. But as to when I saw the actual autopsy  
15 results, I don't know when I saw those.

16 BY MS. SAMUELS:

17 Q Is it fair to say when investigating a  
18 homicide, you wouldn't normally read autopsy reports?

19 A If they weren't addressed to me, maybe not.

20 Q All right. Do you recall learning that Marek  
21 Majdak had a bite mark on his arm?

22 A I did not know at the time. No, I didn't  
23 know.

24 Q How would you learn what other individuals

1 were doing in relation to the investigation of  
2 Marek Majdak?

3 MS. ITCHHAPORIA: Objection. Form.

4 THE WITNESS: Usually, I guess with  
5 conversations I might have with other people who were  
6 investigating.

7 BY MS. SAMUELS:

8 Q Would you regularly update one another on  
9 progress that was occurring in the investigation?

10 A If I -- I would like to have known about some  
11 of the progress, progress that has been made in the  
12 investigation. But as far as me keeping up with it, I  
13 had way too many jobs to concern myself with just a  
14 particular investigation.

15 Q And so would you have ever looked up  
16 Supplementary Reports to see what was going on in the  
17 investigation?

18 MS. ITCHHAPORIA: Objection. Form.

19 THE WITNESS: Not generally.

20 BY MS. SAMUELS:

21 Q Why not?

22 MS. ITCHHAPORIA: Same objection. Form.

23 THE WITNESS: Why would I?

24

1 BY MS. SAMUELS:

2 Q To see what was going on in an investigation?

3 MS. ITCHHAPORIA: Objection. Form.

4 THE WITNESS: Again, I worked on a lot of  
5 cases. If I had known, if I had learned some  
6 information, of course I would have delved into it  
7 more. But until I actually learned some sort of  
8 progress in the investigation, something evidentiary or  
9 somebody to be spoken to or a witness of some sort,  
10 then I wouldn't have been involved in anything.

11 BY MS. SAMUELS:

12 Q What is the purpose of the Case Supplementary  
13 Report?

14 A What?

15 Q What is the purpose of the Case Supplementary  
16 Report?

17 A Let me point the speaker right at me. Go  
18 again, go ahead and say it again.

19 Q What the purpose of the Case Supplementary  
20 Report.

21 A To document progress of a case. Investigate  
22 any investigation?

23 Q And who is the documentation for?

24 MS. ITCHHAPORIA: Objection. Form.

1 Foundation.

2 THE WITNESS: She keeps trailing off, I'm  
3 afraid.

4 BY MS. SAMUELS:

5 Q Who are you documenting the progress of the  
6 case for?

7 A For any possible use in prosecution of the  
8 case and also for maintaining -- yeah. If there is  
9 prosecution or if there isn't prosecution, however the  
10 case is going to be resolved, those things have to be  
11 documented.

12 Q And is it fair to say to your understanding,  
13 Case Supplementary Reports were not created to advise  
14 other police officers on what is going on in a  
15 particular case?

16 MS. ITCHHAPORIA: Object to form.  
17 Foundation. Calls for speculation.

18 THE WITNESS: If you have something that you  
19 are investigating in the case, they will let you know  
20 where the case stands. I didn't generally follow  
21 anybody's case, because I don't have that. It wasn't  
22 my responsibility for one.

23 BY MS. SAMUELS:

24 Q So when you were asked to provide assistance

1 on different cases, you would never check to see where  
2 the case stood?

3 A Not unless I was gleaning other evidence or  
4 doing interviews for the purpose of solving the case.

5 Q So if you were expected to help gain evidence  
6 and conduct interviews, would you check Case  
7 Supplementary Reports to see where the case stood?

8 A If I was going to be interjected into the  
9 case, yes, I would.

10 Q Were there cases that you were in charge of  
11 that you were expected to lead the investigation?

12 MS. ITCHHAPORIA: Objection. Form.  
13 Foundation.

14 THE WITNESS: Again, I'm not picking up your  
15 thread there.

16 BY MS. SAMUELS:

17 Q Were there cases that you were in charge of  
18 where you were expected to lead the investigation?

19 MS. ITCHHAPORIA: Same objection.

20 THE WITNESS: Yes.

21 BY MS. SAMUELS:

22 Q And how would you know cases where you were  
23 expected to lead the investigation as opposed to cases  
24 where you weren't?



1           A     Well, usually cases when I could identify an  
2     offender and either make an arrest or officers who had  
3     made an arrest for the purposes of prosecution usually,  
4     although some cases were -- people didn't want to  
5     prosecute, like maybe some robbery cases. Yeah, I --  
6     again, my field, I was no expert in any kind of  
7     criminal cases. I handled anything from homicides to  
8     thefts, burglaries, batteries. You know usually if  
9     there is somebody in custody, I'll do that. I'll  
10    finish the case off.

11          Q     Do you understand that you are listed as one  
12    of the assisting arresting officers for Xavier Walker?

13          A     I'm one of the what officers?

14          Q     Assisting arresting officer for Xavier  
15    Walker?

16          A     Yes, I know that my name is on the report.

17          Q     Do you think that's inaccurate?

18          A     What I was told, it was information that my  
19    partner and I had gleaned -- that we should be included  
20    in that arrest.

21          Q     So you believe it is accurate that you are  
22    listed as an assisting arresting officer for Xavier  
23    Walker?

24                MS. ITCHHAPORIA: Objection. Asked and

1     answered.

2                   THE WITNESS:   I believe so, yes.

3     BY MS. SAMUELS:

4           Q     And my understanding is you deny being  
5     physically present at the scene of his arrest?

6           A     That's correct.

7           Q     Do you know where you were at the time he was  
8     arrested?

9           A     Probably at home.

10          Q     And you understand him to have been arrested  
11     on the 5700 -- 5400 block of West Potomac, is that your  
12     understanding?

13                   MS. ITCHHAPORIA:  Objection.  Form.  
14     Foundation.

15                   THE WITNESS:  If that is what is on the  
16     arrest report, that is the address I suppose.  I wasn't  
17     there for the arrest.  In fact I don't think I ever saw  
18     Mr. Walker until I went to court.

19     BY MS. SAMUELS:

20          Q     Besides family members of Marek Majdak, do  
21     you remember seeing any witnesses personally?

22          A     Do I remember what?

23          Q     Seeing any witness personally?

24          A     Seeing any witness personally?  Yes.

1 Q What witnesses do you recall seeing  
2 personally?

3 MS. ITCHHAPORIA: Objection. Form.  
4 Foundation.

5 THE WITNESS: Now the witnesses that I was  
6 part of the interviews with? You are talking about  
7 them?

8 BY MS. SAMUELS:

9 Q Yes, sir.

10 A You want me to name them, list them? Is that  
11 what you want?

12 Q Yes, sir.

13 A Maurice Wright, Eric Curry, Ashanti Wright,  
14 Jermaica Wright, Antwoine Waddy, and those are the ones  
15 that I recall.

16 Q Where do you recall interacting with Antwoine  
17 Waddy?

18 A I believe that was -- oh, shoot. I think I  
19 was in Area 4, Detective Division.

20 Q How did you get to Area 4, the Detective  
21 Division?

22 A How do you what?

23 Q How do you get to the Area 4, Detective  
24 Division?

1 MS. ITCHHAPORIA: How do you get -- is that  
2 what you are saying?

3 THE WITNESS: What do you mean, how do I get  
4 there? I was assigned there, assigned there after the  
5 Academy.

6 BY MS. SAMUELS:

7 Q So if I enter the police station, how would I  
8 navigate myself to get to Area 4, Detective Division?

9 A Then you would be directed upstairs to the  
10 second floor.

11 Q And is the second floor the Detective  
12 Division?

13 A Let's see. I believe so.

14 Q And what do you recall about your interaction  
15 with Antwoine Waddy?

16 A Actually, I don't have a recollection or  
17 independent recollection of my interaction with him.

18 Q And so my understanding is you independently  
19 recollect speaking with some of Marek Majdak's family  
20 members, is that fair?

21 A I remember we made contact with them, yes.

22 Q I believe you said that the people that you  
23 remember are the sister and the mother, correct?

24 A I believe we talked to the sister first and

1 then I think the mother later on, yes.

2 Q And so besides speaking with the sister and  
3 the mother, do you have an independent recollection of  
4 speaking with any of the witnesses in this case?

5 A Independent? No, I don't recall. I don't  
6 recall. It is very generally.

7 Q Generally, what do you remember?

8 A That -- let's see. Maurice Wright, I believe  
9 I went out looking for him. He volunteered to come to  
10 the station with us. Actually everything that I recall  
11 about them was actually refreshed from the report that  
12 I read and the GPRs I read. I just vaguely remember  
13 Mary Curry. She was about my age. Heavysset,  
14 otherwise, I don't have an independent recollection.

15 Q Where do you remember speaking with Mary  
16 Curry?

17 A What on Mary Curry?

18 Q Where do you remember speaking with Mary  
19 Curry?

20 MS. ITCHHAPORIA: Objection. Foundation.

21 THE WITNESS: Okay. I remember speaking to  
22 her at her house momentarily. And after that, I don't  
23 really independently remember speaking to her. I  
24 remember that we brought her back home after she was

1 interviewed at the station. I kind of remember that.  
2 But other than that I don't recall what we, you know,  
3 independently said to one another or anything of that  
4 nature. I just don't.

5 BY MS. SAMUELS:

6 Q Why are some people interviewed at home while  
7 others are interviewed at the station?

8 MS. ITCHAPORIA: Objection. Form.  
9 Foundation. Incomplete hypothetical. Go ahead.

10 THE WITNESS: Some things have to be. It  
11 was -- I guess you have to say to be able to do certain  
12 things. For example, if you interview somebody at the  
13 home, if someone is present, it might compromise.  
14 Another person might have information, it might  
15 compromise that information. So it is best to  
16 interview them separately. And the station was a good  
17 place to do it.

18 BY MS. SAMUELS:

19 Q Is that the only reason that you could think  
20 of?

21 MS. ITCHHAPORIA: Objection. Form.  
22 Foundation. Incomplete hypothetical, mischaracterizes.

23 THE WITNESS: Also at the station you could  
24 run name checks. You could verify certain other bits

1 of information. It was just what was most expedient  
2 for advancing the case.

3 BY MS. SAMUELS:

4 Q When you say "run name checks", what does  
5 that refer to?

6 A You would have a person's name, their  
7 birthday, their home address, and you could check their  
8 criminal background, verify certain -- whether there  
9 were nicknames, depending on what information that you  
10 learned from them, you could verify some of those  
11 things at the station. You couldn't do it on the  
12 street.

13 Q Is it fair to say at that time there was no  
14 computer in your car to run information?

15 A I'm sorry. I didn't hear that either.

16 Q Is it fair to say at that time, there were no  
17 computers in your car to run information?

18 A No, there weren't.

19 Q And is it fair to say at that time you  
20 couldn't call in information to dispatch to have them  
21 run it?

22 A Not in a -- not in a functional way. You  
23 could learn from the dispatcher whether there was an  
24 active warrant or not. Other than that, no.

1           Q     And so essentially when you are at the  
2     station, you could easily put a person's name in and  
3     try to corroborate evidence that way?

4           MS. ITCHHAPORIA:  Objection.  Form.  
5     Foundation.  Mischaracterizes.

6           THE WITNESS:  It could be used to corroborate  
7     certain statements.

8     BY MS. SAMUELS:

9           Q     Do you recall why you wanted to question  
10    Maurice Wright?

11          A     Generally.  I believe that we learned that  
12    one of the suspects, Jovanie Long, lived with Maurice.

13          Q     And what was your understanding of why you  
14    were questioning Maurice Wright?

15          A     To see if we could determine the whereabouts  
16    of Jovanie Long and if he had information that he had  
17    learned about the occurrences of the night of May 13th  
18    on Ohio there.

19          Q     And what was your reason for questioning Mary  
20    Curry?

21          A     She had given us a statement before Maurice  
22    accompanied us to the station that she had information  
23    about what Jovanie had done.

24          Q     So if I'm understanding you correctly, you go



1 to the Curry residence looking for Maurice, is that  
2 fair to say?

3 A I believe so, yes.

4 Q And then when you go looking for Maurice, you  
5 meet Mary and she informs you that she knows  
6 information relative -- that is important to your  
7 investigation?

8 A I believe so, yes.

9 Q And so you guys ask Mary to come to the  
10 station and you guys transferred her to the station?

11 A Not then, no.

12 Q Not then. So she just gives you a statement  
13 at the house at that time?

14 A She was allowed to stay in the home, yes.

15 Q She just gives you a statement at the house.  
16 And then does Maurice come while you guys are there or  
17 how does that work?

18 MS. ITCHHAPORIA: Objection. Form.  
19 Mischaracterizes his prior testimony. Go ahead.

20 THE WITNESS: Maurice do what?

21 BY MS. SAMUELS:

22 Q After she gives you the statement, do you  
23 leave?

24 MS. ITCHHAPORIA: Objection. Form as to

1 statement. Go ahead.

2 THE WITNESS: Yes.

3 BY MS. SAMUELS:

4 Q Do you go back a second time?

5 A Yes.

6 Q Why do you go back a second time?

7 A To ask Mary what she knew and if she would  
8 accompany us to the station.

9 Q Why did you think that she knew more than  
10 what she had already told you?

11 A We wanted details, if she had them.

12 Q Didn't you ask her about that the first time?

13 A The time was to talk to Maurice. We had not  
14 set up to bring Mary in yet. She needed to stay home  
15 for a little bit. I think she had children.

16 Q And so she tells you what she can, but she  
17 isn't able to go with you the first time, is that fair  
18 to say?

19 MS. ITCHHAPORIA: Objection. Form.  
20 Mischaracterizes. Foundation. Go ahead.

21 THE WITNESS: I believe that was our  
22 understanding, yes.

23 BY MS. SAMUELS:

24 Q So a short while later -- well, how about --

1 do you remember how much time later you go back to get  
2 Mary so that she could come to the station?

3 A I don't recall.

4 Q In any event, you go back to get Mary and she  
5 can come to the station and give you guys more details?

6 A Did we what?

7 Q I said the second time you guys go to pick up  
8 Mary so that she can come to the station and give a  
9 statement with more details?

10 A Yes.

11 Q All right. How did you guys end up finding  
12 Maurice?

13 A Maurice was home, I believe. I believe  
14 Maurice was home.

15 Q So the second time you go to talk to Mary,  
16 Maurice is home?

17 MS. ITCHHAPORIA: Objection. Form.  
18 Mischaracterizes.

19 BY MS. SAMUELS:

20 Q Can you explain to me sort of the timeline  
21 between Mary and Maurice? I keep messing it up.

22 MS. ITCHHAPORIA: Objection. Foundation.  
23 But go ahead.

24 THE WITNESS: Maurice went to the station

1 with us. We went back and got Mary and she came to the  
2 station with us.

3 BY MS. SAMUELS:

4 Q My question is, when do you find Maurice?

5 A When we went to the house the first time.

6 Q So when you go to the house the first time  
7 you are looking for Maurice, correct?

8 A Yes.

9 Q He is at the house and you say we got to take  
10 you. You ask him if he would come to the station to  
11 give you a statement, is that fair to say?

12 A Yes.

13 Q At that same time, Mary Curry is at the house  
14 and she gives you a statement before you go take  
15 Maurice to the station?

16 MS. ITCHHAPORIA: Objection. Form  
17 Foundation.

18 THE WITNESS: I believe a report, yes.

19 BY MS. SAMUELS:

20 Q So she gives you a statement. You guys take  
21 Maurice to the station. While Maurice is at the  
22 station, you go back to the house and get Mary Curry  
23 and then bring her to the station to give a more  
24 detailed statement?

1 A Yes.

2 Q How do Ashanti and Jermaica get into this?

3 MS. ITCHHAPORIA: Objection. Form.

4 Foundation.

5 THE WITNESS: I'm not certain as to how we  
6 determined that they had information as well. I'm not  
7 certain as to how they got involved.

8 BY MS. SAMUELS:

9 Q Do you remember if you talked to them at the  
10 station or at some other location?

11 MS. ITCHHAPORIA: Objection. Form.

12 Foundation.

13 THE WITNESS: I believe we talked to them at  
14 the house.

15 BY MS. SAMUELS:

16 Q When you go to get Maurice, who is with you?

17 A My partner at the time, Donnie Wolverton.

18 Q Anybody else?

19 A Not that I recall.

20 Q And then when you go back the second time to  
21 pick up Miss curry, who's with you?

22 A I believe Don is still with me.

23 Q Anybody else?

24 A Not that I recall.

1           Q     And when you go to talk to Ashanti and  
2 Jermaica, who is with you?

3           A     Donnie Wolverton and a State's Attorney.

4           Q     Do you know why there was a State's Attorney?

5           A     I believe -- I don't know why she came with  
6 us. But it would have been possibly to find out if  
7 anybody is going to make a handwritten statement.

8           Q     Before you show up to talk to Ashanti and  
9 Jermaica, had you made arrangements with them?

10          A     I don't recall.

11          Q     Is that something that you would normally do?

12          A     Everything is different. I mean, yeah, I  
13 don't recall. Oh, you mean -- it depends on the  
14 circumstances.

15          Q     And are Ashanti and Jermaica both at the  
16 Curry house when you go to speak to them?

17          A     I believe so, yes.

18          Q     Do you know what happened to the kids that  
19 Mary was watching?

20                MS. ITCHHAPORIA: Objection. Form. Assumes  
21 facts. Go ahead.

22                THE WITNESS: What do you mean what happened  
23 to the kids? As far as I know the kids were sleeping.

24

1 BY MS. SAMUELS:

2 Q The reason Mary didn't come with you the  
3 first time is because she said that she had children  
4 and she needed to stay with or something to that  
5 effect.

6 MS. ITCHHAPORIA: Objection. Foundation.

7 THE WITNESS: I believe so. I can't say that  
8 is what she said, but words to that effect.

9 BY MS. SAMUELS:

10 Q And then the second time that you come and  
11 she is able to go to the station with you guys, are you  
12 aware of where the kids are, had somebody come to watch  
13 him or did they leave, do you know?

14 MS. ITCHHAPORIA: Objection. Form.  
15 Foundation.

16 THE WITNESS: I don't know what arrangements  
17 had been made, but I believe the children were going to  
18 be cared for while she was gone.

19 BY MS. SAMUELS:

20 Q And then after you take the first statement  
21 from Mary Curry, did you make arrangements with her?  
22 Like did you guys have an agreed upon time where you  
23 would come back and bring her to the station?

24 MS. ITCHHAPORIA: Objection. Form.

1 Foundation. Go ahead.

2 BY MS. SAMUELS:

3 Q Is that something that you would generally  
4 do?

5 A We would want to accommodate her as best we  
6 could.

7 Q Is there a reason why you didn't bring an ASA  
8 to speak to Mary at her house?

9 MS. ITCHHAPORIA: Objection. Form.  
10 Foundation.

11 THE WITNESS: We didn't know what she had to  
12 say.

13 BY MS. SAMUELS:

14 Q She had already given you one statement,  
15 right?

16 A A very general --

17 Q And so you didn't bring -- so based upon her  
18 first statement, you didn't have a reason to believe  
19 that she might have more relevant information?

20 MS. ITCHHAPORIA: Objection. Form.  
21 Foundation. Mischaracterizes.

22 THE WITNESS: We didn't know the value of the  
23 information, what in detail she had to say. And  
24 without that, the State's Attorney is not just going to



1     come out and take a statement. She wanted something  
2     more. We didn't know what she had to say.

3           Q     Do you recall an ASA --

4           A     I don't know. I don't what she looked like  
5     or --

6           Q     Do you know if you have worked with her  
7     before?

8           A     The name sounds familiar, but I don't have  
9     much information on that.

10          Q     Do you recall ASA Mahoney?

11          A     Again, I don't know the attorneys and neither  
12     one of them am I familiar with. I may have worked with  
13     them before or since. I don't recall them. They are  
14     not people that I would -- yeah, I kind of remember the  
15     name -- maybe once or twice. Otherwise, under what  
16     circumstances, I don't know.

17          Q     Do you recall ASA Levara?

18          A     Again, I don't know the person.

19          Q     So you just know you went to the house with  
20     an ASA. You are not sure who?

21                MS. ITCHHAPORIA: Objection. Form.  
22     Foundation. Mischaracterizes his direct testimony.

23          A     ASA L-E-A-F-L-E-A-D, I think.

24          Q     Do you know why it was her?

1 MS. ITCHHAPORIA: Objection. Foundation.

2 THE WITNESS: Why it was her?

3 MS. ITCHHAPORIA: Calls for speculation. Go  
4 ahead.

5 THE WITNESS: When we call the State's  
6 Attorney's office and ask them if they want to take a  
7 statement, whoever is up, whosever turn it is, wind up  
8 being sent out. And then once you arrive at the area,  
9 or wherever we are going to take the statement at, she  
10 would want to review the reports and review of what we  
11 had learned and find out whether a statement was worth  
12 being taken.

13 BY MS. SAMUELS:

14 Q So the ASA would determine whether or not the  
15 statement was worth being taken?

16 A Yes.

17 Q And they would do that based upon you  
18 informing them of what you anticipate that person is  
19 going to say?

20 MS. ITCHHAPORIA: Objection. Form and  
21 foundation. Calls for a legal conclusion.

22 THE WITNESS: I believe that they would make  
23 a decision, based on the nature of the case, what we  
24 had learned, when we did the interview, what relevant

1 information they would have had, whether it was  
2 something that they wanted to memorialize. And then  
3 they would ask the person to make a statement if they  
4 wanted to or handwritten statement. And if they agreed  
5 to it, they would do the statement and it would be  
6 signed. That is pretty much it. It is the State's  
7 Attorney's call.

8 BY MS. SAMUELS:

9 Q Was there any way that you could memorialize  
10 the statement without having to go through an Assistant  
11 State's Attorney?

12 A I don't know. No. Not that I know of.

13 Q Do you know why you went to the Curry  
14 household so late?

15 MS. ITCHHAPORIA: Objection. Form.  
16 Foundation.

17 THE WITNESS: Why we went to --

18 BY MS. SAMUELS:

19 Q Why you went so late?

20 A After she made her statement return her to  
21 her house.

22 Q First Watch was from midnight to 1:00 a.m.,  
23 right?

24 A Midnight to 8:30, yeah.

1           Q     Do you know why you took Maurice Wright into  
2     the station to take his statement?

3                     MS. ITCHHAPORIA:  Objection.  Form.  
4     Foundation.

5                     THE WITNESS:  I don't recall the reason why.  
6     BY MS. SAMUELS:

7           Q     Do you know why you didn't take Jermaica  
8     Wright -- do you know why you didn't take Ashanti  
9     Wright into the station to take her statement?

10                    MS. ITCHHAPORIA:  Objection.  Form.  
11    Foundation.

12                    THE WITNESS:  I'm not certain as to why.  
13    BY MS. SAMUELS:

14           Q     Was it common for you to take handwritten  
15    statements from people at their home?

16                    MS. ITCHHAPORIA:  Objection.  Form.  
17    Foundation.  Mischaracterizes his prior testimony.

18                    THE WITNESS:  I don't know of any reason why  
19    not.  I don't know if it is common or not.

20    BY MS. SAMUELS:

21           Q     Well, in your experience, because you were a  
22    Homicide Detective from '98 to '08, right?

23           A     Yes.

24           Q     You were a Detective from '89 to '08, not

1 necessarily homicide, though, correct?

2 A Correct.

3 Q And so during your ten years as a Detective  
4 for the Chicago Police Department, was it common for  
5 you to take handwritten statements for persons at their  
6 house?

7 MS. ITCHHAPORIA: Objection. Foundation.  
8 Calls for speculation.

9 THE WITNESS: In my experience, no, it is not  
10 common.

11 MS. ITCHAPORIA: Is this a good stopping  
12 point for a bathroom break?

13 MS. SAMUELS: Okay.

14 (BRIEF RECESS)

15 MS. SAMUELS: Back on the record.

16 BY MS. SAMUELS:

17 Q And so my understanding is you went looking  
18 for Maurice Wright trying to see if he had information  
19 about Jovanie's whereabouts and to learn if he knew  
20 anything about the murder, is that fair?

21 A Yes.

22 Q Do you recall how many times you questioned  
23 Maurice Wright?

24 MS. ITCHHAPORIA: Objection. Foundation. Go

1 ahead.

2 THE WITNESS: I believe we only interviewed  
3 him once.

4 Q And when you say that you interviewed him  
5 once, can you describe what you recall from that  
6 interview?

7 MS. ITCHHAPORIA: Objection. Form.  
8 Foundation. Mischaracterizes. Go ahead.

9 THE WITNESS: Do I recall what he said?

10 BY MS. SAMUELS:

11 Q No. Can you describe what you recall from  
12 that interview?

13 A Yes, okay.

14 MS. ITCHHAPORIA: Objection. Form.  
15 Foundation.

16 THE WITNESS: Okay.

17 BY MS. SAMUELS:

18 Q I recall he told us that Jovanie Long and  
19 Xavier Walker, they pulled up in a car. He was sitting  
20 in a car in an alley and they pulled up. And then he  
21 had a conversation with them. That conversation,  
22 Xavier Walker told them that Jovanie Long just killed  
23 somebody. Okay. You want to ask -- be a little bit  
24 more --

1 MS. ITCHHAPORIA: Just stop. And she'll ask  
2 you a question.

3 BY MS. SAMUELS:

4 Q So how long after he was brought to the  
5 station did he provide this information?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Foundation.

8 BY MS. SAMUELS:

9 Q I believe it was fairly soon after he was  
10 brought to the station?

11 A Matter of minutes.

12 MS. ITCHHAPORIA: Objection. Form.  
13 Foundation.

14 THE WITNESS: I don't know about that.

15 BY MS. SAMUELS:

16 Q Well, was it your common practice -- let me  
17 ask it this way.

18 When you bring somebody into the  
19 station who is coming with you voluntarily to give a  
20 statement, would you expect there to be any  
21 significant delay in bringing them in and you  
22 beginning to speak with them to take their  
23 statement?

24 MS. ITCHHAPORIA: Objection. Form.

1 Foundation. Incomplete hypothetical. Calls for  
2 speculation. Go ahead.

3 THE WITNESS: Well, I guess it would depend  
4 on the person as to what information -- we had to get  
5 our notes together. We had to make sure we had -- who  
6 we believed we had. Get a picture. Make sure we have  
7 a picture that we could match them with. Get some  
8 general information. So it might take a few minutes  
9 before we get to him. I wouldn't say within minutes.  
10 It could have been within minutes. It could have been  
11 almost right away. I don't recall.

12 BY MS. SAMUELS:

13 Q I guess what I'm getting at, so I know some  
14 persons I've spoken with, when they bring in a subject  
15 for questioning like they might leave them in the room  
16 by themselves for a while to think about stuff or  
17 whatever, and then sort of like as a tactic and then go  
18 speak with them. Have you heard of that?

19 A The logistics can be -- they can vary, you  
20 know. It might be something you are doing. Might be  
21 something you have to check out before you talk to  
22 them.

23 Q And so because Mr. Wright was coming in  
24 voluntarily to give a statement, is it fair to say it



1 may have taken some time to get something together, but  
2 you wouldn't expect an hour's delay between the time he  
3 was brought in and the time you begin questioning him?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation.

6 THE WITNESS: Probably not.

7 BY MS. SAMUELS:

8 Q And when you go in to speak with him, do you  
9 recall whether you had any trouble getting him to  
10 answer questions or anything like that?

11 MS. ITCHHAPORIA: Foundation. Go ahead.

12 THE WITNESS: I don't recall, but I don't  
13 think there was any problem.

14 BY MS. SAMUELS:

15 Q And then after -- well, do you recall how  
16 long it took to get that statement out of Maurice?  
17 That sounded terrible. Do you recall how long it  
18 took -- it has been a long day.

19 Do you recall how long, I guess, the  
20 interview process took with Maurice?

21 MS. ITCHHAPORIA: Objection. Form.  
22 Foundation.

23 THE WITNESS: I really don't recall. It was  
24 before he gave us a statement, before he gave it. He

1 was rather -- we were very subtle with each other. By  
2 that, about how long it took. I have no idea. I don't  
3 recall.

4 BY MS. SAMUELS:

5 Q And then after Maurice gave his statement, do  
6 you recall having any other interactions with him?

7 MS. ITCHHAPORIA: Objection. Foundation.

8 THE WITNESS: I don't recall. Perhaps we --  
9 if he wanted something that -- I don't recall.

10 Checking on his well-being for -- and I don't know what  
11 he did after we took the statement. I don't recall.  
12 That was a long time ago.

13 BY MS. SAMUELS:

14 Q My understanding is after he gives the  
15 statement to you, you called the State's Attorney's  
16 office to take a handwritten statement from him?

17 MS. ITCHHAPORIA: Objection. Form.  
18 Foundation.

19 THE WITNESS: I don't remember doing that.

20 BY MS. SAMUELS:

21 Q Are you saying I don't recall, I'm not sure  
22 if that was necessary or just like I don't remember one  
23 way or the other?

24 MS. ITCHHAPORIA: Objection. Form.

1 MS. SAMUELS: I don't recall what we did  
2 after we talked to Maurice.

3 BY MS. SAMUELS:

4 Q Other than -- do you recall dropping Maurice  
5 off back at home any time?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Foundation.

8 THE WITNESS: I don't believe we did. No.

9 BY MS. SAMUELS:

10 Q Besides having the Assistant State's Attorney  
11 come and take a handwritten statement from Maurice, can  
12 you think of any other reason why he would have stayed  
13 at the police station?

14 MS. ITCHHAPORIA: Objection. Form.  
15 Foundation. Calls for speculation. Go ahead.

16 THE WITNESS: I don't know why no. No.

17 BY MS. SAMUELS:

18 Q And then do you recall bringing Mary Curry to  
19 the station to give her statement?

20 A Do I recall actually bringing her in? No, I  
21 don't.

22 Q Do you recall anything about your  
23 communication with Mary Curry while she was at the  
24 station?

1           A     Not to my immediate recollection. But she  
2     was interviewed and after the interview a State's  
3     Attorney was called in and she gave a handwritten  
4     statement.

5           Q     Is it fair to say that at no time did you  
6     consider Maurice Wright a suspect in the murder of  
7     Marek Majdak?

8           MS. ITCHHAPORIA: Form. Foundation. Go  
9     ahead.

10          THE WITNESS: I would -- well, I didn't know  
11     if he was a suspect. I don't believe after his  
12     statement, he wouldn't have been a suspect.

13     BY MS. SAMUELS:

14          Q     So if I'm understanding you correctly, at the  
15     time you bring Maurice Wright in, you are not sure  
16     whether or not if he is a suspect. After he gives his  
17     statement, it is clear he is not a suspect?

18          MS. ITCHHAPORIA: Objection. Form.  
19     Foundation. Mischaracterizes. Go ahead.

20          THE WITNESS: I didn't have any reason at  
21     that time to believe that he was a suspect.

22     BY MS. ITCHHAPORIA:

23          Q     And so, if I'm understanding you correctly.  
24     At the time that Maurice -- that you bring Maurice

1 Wright in. You had no reason to believe he was a  
2 suspect and that never changed?

3 MS. ITCHHAPORIA: Objection to form. Asked  
4 and answered.

5 THE WITNESS: What was the last part of the  
6 question?

7 BY MS. SAMUELS:

8 Q And that never changed?

9 MS. ITCHHAPORIA: Same objection.

10 THE WITNESS: It is not -- my assumption did  
11 not change.

12 BY MS. SAMUELS:

13 Q Is it fair to say at the time that you  
14 brought Maurice Wright in -- the two suspects in for  
15 the murder of Marek Majdak were Xavier Walker and  
16 Jovanie Long?

17 A At the time that he was brought in, the only  
18 person that we had strong belief was involved was  
19 Jovanie Long.

20 Q Do you know why you believed Jovanie Long was  
21 a suspect at that time?

22 MS. ITCHHAPORIA: Objection. Foundation.

23 THE WITNESS: Because in an interview that we  
24 took, there was a young lady who identified that Long

1 told -- Long in essence admitted to her that he shot  
2 and killed somebody.

3 Q But was that Herschela Bird?

4 A Yes. Herschela Bird.

5 Q Did you ever give Maurice Wright a polygraph?

6 A Did I -- no.

7 Q I guess did you ever request that Maurice  
8 Wright have a polygraph?

9 A No.

10 Q Why not?

11 MS. ITCHHAPORIA: Objection. Form.

12 THE WITNESS: Well, his statement pretty well  
13 fit with statements of other people who were also  
14 circumstantial witnesses.

15 BY MS. SAMUELS:

16 Q You say that his statement fit with other  
17 circumstantial witnesses. Who are you referring to?

18 A Mary Curry, of course Herschela Bird, Ashanti  
19 Wright and Jermaica Wright.

20 Q Do you know why you took a handwritten  
21 statement from Ashanti Wright but not Jermaica Wright?

22 MS. ITCHHAPORIA: Objection.

23 THE WITNESS: I don't make the determination  
24 as to who gives the written statement. The State's

1 Attorney does.

2 BY MS. SAMUELS:

3 Q And so your understanding is that the State's  
4 Attorney said she didn't want a handwritten statement  
5 from Jermaica Wright?

6 MS. ITCHHAPORIA: Objection. Form.  
7 Foundation. Mischaracterizes his testimony.

8 THE WITNESS: She said she didn't want to  
9 take one. Then she just didn't take one.

10 BY MS. SAMUELS:

11 Q And to the best of your recollection, Ashanti  
12 and Jermaica were talked to by you and the ASA at  
13 roughly the same time, right?

14 MS. ITCHHAPORIA: Objection. Form.  
15 Foundation. Mischaracterizes. Go ahead.

16 THE WITNESS: Within a short time of one  
17 another, yes.

18 BY MS. SAMUELS:

19 Q And at the same location, yes?

20 A Yes.

21 Q Does it seem reasonable to you that a person  
22 would -- well, let me ask you this. As you sit here  
23 today, are you aware of the content of Jermaica  
24 Wright's alleged statement in the GPRs as recorded in

1 the GPRs?

2 A Jermaica Wright is what?

3 Q The statement that is attributed to Jermaica  
4 Wright in the GPR.

5 A Yes, she is in the GPR. Okay.

6 Q I'm saying do you know what the contents of  
7 that is?

8 A Off the top of my head, no, I don't.

9 Q Do you recall anything about your interview  
10 with Ashanti?

11 MS. ITCHHAPORIA: Objection. Form.  
12 Foundation.

13 THE WITNESS: I don't have an independent  
14 recollection, no.

15 BY MS. SAMUELS:

16 Q Do you recall anything about your interview  
17 with Jermaica Wright?

18 MS. ITCHHAPORIA: Objection. Form.  
19 Foundation.

20 THE WITNESS: Is there anything what about?

21 BY MS. SAMUELS:

22 Q Do you recall anything about your interview  
23 with Jermaica?

24 A Not -- go ahead.



1 MS. ITCHHAPORIA: Objection.

2 THE WITNESS: Not independently, no.

3 BY MS. SAMUELS:

4 Q So you understand that Xavier Walker, his  
5 conviction was overturned, correct?

6 A I've learned that, yes.

7 Q When did you first find that out?

8 A As a result of this lawsuit.

9 Q Are you aware of any other cases of yours  
10 that -- are you aware of any other cases where you were  
11 an investigating Detective and the suspect's conviction  
12 was later overturned?

13 A Just one.

14 Q What's that?

15 A Yeah. There is one with a guy name Valez.  
16 V-A-L-E-Z.

17 Q What do you recall about that?

18 MS. ITCHHAPORIA: Objection. Form.

19 THE WITNESS: What about it?

20 BY MS. SAMUELS:

21 Q Yes.

22 A It is still pending.

23 Q What was your role in the investigation?

24 MS. ITCHHAPORIA: Objection. Form.

1 Foundation.

2 THE WITNESS: I was the same Detective.

3 BY MS. SAMUELS:

4 Q Did you interview any witnesses?

5 MS. ITCHHAPORIA: Objection. Form.

6 Foundation.

7 THE WITNESS: What, in that case?

8 BY MS. SAMUELS:

9 Q Yes, sir.

10 A Not that I recall.

11 Q And so to your knowledge the only role you  
12 played in this other case was securing the scene?

13 MS. ITCHHAPORIA: Objection. Form.

14 Foundation. Mischaracterizes and asked and answered.

15 THE WITNESS: Not securing the same, but also  
16 again conferring with the crime lab guys. Conferring  
17 with officers who were on the scene and who did do  
18 interviews. That is what my job was, to lay the  
19 foundation for the investigation, to find out how we  
20 might proceed, what evidence we had, work with other  
21 Detectives to try to resolve it.

22 BY MS. SAMUELS:

23 Q When was that case?

24 MS. ITCHHAPORIA: Objection. Foundation.

1 THE WITNESS: I don't recall.

2 BY MS. SAMUELS:

3 Q Do you recall what type of investigation it  
4 was?

5 A It was a homicide investigation.

6 Q And to your knowledge, you never interviewed  
7 any witnesses in that case?

8 MS. ITCHHAPORIA: Objection. Foundation.  
9 Asked and answered.

10 THE WITNESS: I don't recall interviewing  
11 anybody in that case, any witnesses.

12 BY MS. SAMUELS:

13 Q I think you answered a slightly different  
14 question. My question was, to your knowledge, did you  
15 interview any witnesses in that case?

16 MS. ITCHHAPORIA: Same objection. Asked and  
17 answered. Lack of foundation.

18 THE WITNESS: I don't believe there was a  
19 confession in that case.

20 BY MS. SAMUELS:

21 Q Right. So my question was, to your  
22 knowledge, did you interview any witnesses in that  
23 case?

24 A The best of my knowledge, I do not recall

1 interviewing any witnesses in that case.

2 Q I'm not talking about with your memory or  
3 recollection. What I'm saying, have you reviewed  
4 anything that lets you know whether or not you  
5 interviewed any witnesses?

6 MS. ITCHHAPORIA: Same objection.  
7 Foundation. Asked and answered. Go ahead and answer.

8 THE WITNESS: I haven't looked at the reports  
9 of that case for quite a while. I don't recall  
10 anybody -- reviewing any witnesses in that case.

11 BY MS. SAMUELS:

12 Q And this would have been for Area 4 -- that  
13 was while you were at Area 4 as a Detective?

14 A Right. There were other area Detectives that  
15 I worked with, yes. Detectives.

16 Q So I'm going to show you some GPRs, some  
17 more.

18 And this is 117 to 120, I believe or  
19 119, excuse me.

20 MS. ITCHHAPORIA: 117, 118 and 119?

21 THE WITNESS: Yes.

22 MS. ITCHHAPORIA: Wait. It has more pages.

23 BY MS. SAMUELS:

24 Q And it looks like this report was written on

1 28 May 2000 during the First Watch. Is that your  
2 understanding?

3 A Yes.

4 Q And it looks like it was written by Defendant  
5 Wolverton and also has your signature at the bottom?

6 A Right.

7 Q Do you think it is -- do you think your  
8 signature should have been signed at the bottom?

9 A That was fine with me. Donnie was -- I was  
10 with Donnie when we did the interview. And I have no  
11 reason to doubt that his report isn't truthful and  
12 accurate.

13 Q Do you ever recall reviewing this report  
14 prior to this lawsuit?

15 A What about it?

16 Q Do you recall reviewing this report prior to  
17 this lawsuit?

18 A Prior to the lawsuit? I don't recall  
19 reviewing it, no.

20 Q What would have been your practice of  
21 reviewing reports when you are listed as a reporting  
22 officer?

23 A Seeing how I did -- I probably did review  
24 this report, but I don't recall doing that.

1 Q So it looks like it is an interview of  
2 Ashanti Wright taken at 4653 West Eerie?

3 A Correct.

4 Q And it looks like it has 5:30 in the morning?

5 A Yes.

6 Q And when it says 5:30, do you understand that  
7 to be the time that the interview is beginning or the  
8 time that it is ending or something else?

9 A Probably the time at the beginning.

10 Q Was it common to interview people at 5:30 in  
11 the morning?

12 MS. ITCHHAPORIA: Objection. Form.  
13 Foundation. Go ahead.

14 THE WITNESS: Whenever they are available.

15 BY MS. SAMUELS:

16 Q Did you have any reason to believe prior to  
17 showing up at 4653 -- did you ever have any reason to  
18 believe prior to showing up at 4653 West Erie that  
19 Ashanti Wright would be up and available at 5:30 in the  
20 morning?

21 MS. ITCHHAPORIA: Objection. Foundation.

22 THE WITNESS: I don't know.

23 BY MS. SAMUELS:

24 Q Should that be reported somewhere?

1 A That she was sleeping?

2 Q Yes.

3 A I don't know. Not necessarily.

4 Q Why not?

5 A Why?

6 Q So it could be clear the person was available  
7 and that this wasn't -- there is no indices of -- or  
8 anything like that?

9 MS. ITCHHAPORIA: Objection. Form.

10 THE WITNESS: I don't recall that we woke  
11 anybody up.

12 MS. SAMUELS: Well, you don't recall speaking  
13 with Miss Wright, do you?

14 THE WITNESS: I have no independent  
15 recollection, no.

16 BY MS. SAMUELS:

17 Q And so you don't recall one way or the other  
18 what she was doing prior to you showing up at her house  
19 at 5:30 in the morning?

20 A No. I had no idea.

21 Q And was it just you Wolverton and Leafblatt?

22 A Yes. And of course, John -- well, I imagine  
23 Mary Curry was with us because we were returning her  
24 home.

1           Q     Do you know one way or another if she was  
2     there?

3                   MS. ITCHHAPORIA:  Objection.  Form.  
4     Foundation.

5                   THE WITNESS:  Whether she was present for the  
6     interview?

7     BY MS. SAMUELS:

8           Q     Yeah.

9           A     I don't know if she was present for the  
10    interview.  I don't believe so.

11          Q     Do you know one way or the other whether Miss  
12    Curry had been returned home at the time that you began  
13    questioning Ashanti Wright?

14          A     Yeah, as we return her home.

15          Q     And so you specifically recall returning Mary  
16    Curry home at 5:30 in the morning?

17                   MS. ITCHHAPORIA:  Objection.  Foundation.

18                   THE WITNESS:  I believe so.

19    BY MS. SAMUELS:

20          Q     And it's my understanding that even though  
21    they would have been in the same house, Ashanti would  
22    have been in a separate location while you are talking  
23    to her, is that fair to say?

24          A     I believe so, yes.



1 Q And it says, well, can you just read the  
2 narrative portion, not the biographical information?

3 A Okay. It says "Heard gunshot. Went  
4 downstairs. No one there. Went back downstairs and  
5 Jovanie there. Jovanie asked her to walk out there to  
6 see what happened. Jovanie was crying saying it is one  
7 of our guys. Police asked the group if they can ID the  
8 victim. Returned home and told Miss Curry that a white  
9 man was killed. She denies Jovanie told her he killed  
10 the man. She states Jovanie told her to tell -- she  
11 described the scratches on his neck that he had. She  
12 states Jovanie got in the car, the night Jovanie told  
13 her about shooting the man. Jovanie came to the house  
14 again. Jovanie comes to the house often and Jovanie  
15 was acting funny the night of the shooting and Jovanie  
16 called his home. Jovanie called this home stating  
17 that -- at the police station taken on me. Jovanie  
18 told her and her sister, that he was robbing the man  
19 and he wouldn't let the money go. He started fighting  
20 and the man was getting the best of him." You want me  
21 to go to the next page?

22 Q No. And so, do you know why her statement  
23 changed so dramatically?

24 MS. ITCHHAPORIA: Objection. Form.

1 Argumentative. Foundation.

2 THE WITNESS: Do I know or do I have a  
3 belief?

4 MS. SAMUELS: Well, let's start with know.

5 MS. ITCHHAPORIA: Objection. Foundation.  
6 Form.

7 THE WITNESS: I don't have any recollection  
8 may have been confronted with the Mary's statement.

9 BY MS. SAMUELS:

10 Q And so, is it your belief after being told  
11 about Mary's statement that sort of the claims now is  
12 where she started telling a different story?

13 MS. ITCHHAPORIA: Objection. Form. And you  
14 said maybe she was confronted with.

15 THE WITNESS: She may have been confronted  
16 with it? She was not confronted with the entire  
17 statement. She would have been -- she might have been  
18 told that a statement was made that implicated her in  
19 telling what happened.

20 BY MS. SAMUELS:

21 Q So you are not sure how much -- what level of  
22 detail from Mary's statement that Ashanti was  
23 confronted with, is that fair to say?

24 MS. ITCHHAPORIA: Form. Foundation. And

1 mischaracterizes his prior testimony.

2 THE WITNESS: Not in the details. But  
3 perhaps -- again this is surmised that she -- that Mary  
4 may have implicated her as far as what they both knew.

5 BY MS. SAMUELS:

6 Q And did you have a reason to believe that  
7 Mary was telling the truth and Ashanti wasn't?

8 A I believe that --

9 MS. ITCHHAPORIA: Form or foundation.

10 THE WITNESS: I believe Mary was telling the  
11 truth.

12 BY MS. SAMUELS:

13 Q Why?

14 A She was very straightforward. She did not --  
15 she was rational, clear in her thinking and the way she  
16 is presented herself, I had no reason to doubt the  
17 veracity of her statement.

18 Q How did Mary present herself?

19 A Forthright.

20 MS. ITCHHAPORIA: Objection. Foundation. Go  
21 ahead.

22 THE WITNESS: She was forthright. Again she  
23 seemed -- I think a reasonable, rational person.

24

1 BY MS. SAMUELS:

2 Q Is it fair to say in the times that you were  
3 speaking with Mary Curry, she never gave you a reason  
4 to believe that she was being dishonest?

5 A Never.

6 Q Besides Mary Curry's statement, do you  
7 recall anything that Ashanti said or did that gave you  
8 a reason for thinking she was being dishonest?

9 MS. ITCHHAPORIA: Objection. Foundation.

10 THE WITNESS: Well, she said she didn't know.  
11 She was never told that Jovanie did it. Jovanie never  
12 admitted to her that he did it. We had reason to  
13 believe that she was present when he did say -- made  
14 those statements that he had done it.

15 BY MS. SAMUELS:

16 Q The only person who said that she was there,  
17 was Mary Curry, correct?

18 A I believe that is true. I'm not certain, but  
19 I believe that is true.

20 Q And I'm going to 118. This looks like this  
21 is a continuation of when you are talking with Ashanti,  
22 is that your understanding as well?

23 A Yes.

24 Q And it looks like this report was completed

1 28 May 2000 during the First Watch. Is that your  
2 understanding from your recollection looking at this  
3 report?

4 A Yes.

5 Q And this is also in Officer Wolverton's  
6 handwriting. It looks like your name is down there as  
7 well?

8 A Yes.

9 Q Do you have any reason to believe that your  
10 name shouldn't be signed at the bottom?

11 A No.

12 Q And then it looks like your statement  
13 continues. She stated Vanie said he pulled out the gun  
14 and shot the man. This was told to her in the Curry  
15 house. Vanie told I killed him. He wouldn't let the  
16 money go. I killed the white guy." Did see that?

17 A Yes.

18 Q And do you have a specific recollection of  
19 her saying that or you just read off the report?

20 A On the reviewed report.

21 Q Do you remember Ashanti's demeanor when she  
22 was speaking with you?

23 A I don't recall. I don't have an independent  
24 recollection. No.

1           Q     Do you remember Mary Curry's demeanor when  
2 she was speaking with you?

3           A     Do I remember what?

4           Q     Mary Curry's demeanor when she was speaking  
5 with you?

6           A     I don't believe Mary was in the room with us.

7           Q     Right. I mean when you -- like during the  
8 times when you were speaking with Mary, do you remember  
9 what her demeanor was?

10          A     Mary was -- like I said, she was very calm,  
11 rational and forthright.

12          Q     Did it seem weird to you that somebody was  
13 calm about another person confessing to murder to them?

14                MS. ITCHHAPORIA: Objection. Form.  
15 Foundation. Calls for speculation.

16                THE WITNESS: No.

17 BY MS. SAMUELS:

18          Q     Did it seem weird to you that this person had  
19 confessed a murder to her approximately two weeks  
20 ago -- two weeks prior and she never made any attempt  
21 to inform the police?

22                MS. ITCHHAPORIA: Objection. Form.  
23 Foundation. Calls for speculation. Assumes facts.

24                THE WITNESS: I can't -- I don't know why she

1 didn't contact the police.

2 MS. SAMUELS: Did you ask her?

3 MS. ITCHHAPORIA: Objection. Foundation.

4 THE WITNESS: No.

5 BY MS. SAMUELS:

6 Q And then it looks like there is sort of a  
7 break and then the lower two-thirds of this GPR relates  
8 to a statement attributed to Jermaica Wright, is that  
9 fair to say?

10 A Yes.

11 Q Do you know what time you were speaking with  
12 Jermaica Wright?

13 MS. ITCHHAPORIA: Objection. Foundation.

14 THE WITNESS: I don't recall.

15 BY MS. SAMUELS:

16 Q Do you know when it is not indicated?

17 A No, I don't.

18 MS. ITCHHAPORIA: Objection. Speculation.

19 THE WITNESS: No, I don't.

20 BY MS. SAMUELS:

21 Q Is that something that should be indicated?

22 A Not necessarily.

23 Q Why not?

24 A Exact times are not necessary.

1 Q What about approximate times?

2 A Okay. It was subsequent to the interview  
3 with Ashanti.

4 Q How do you know?

5 A On the same report and it would have been the  
6 most convenient time to interview her.

7 Q So it is your understanding that you spoke  
8 with Jermaica Wright after Ashanti, but before Ashanti  
9 gave a handwritten statement to Joanna Leafblatt?

10 MS. ITCHHAPORIA: Objection.

11 THE WITNESS: As to the time -- to that  
12 order, I have no idea. I don't recall.

13 BY MS. SAMUELS:

14 Q When this report indicates -- well, can you  
15 read what is under Jermaica?

16 A Okay. After her identifiers. She stays on  
17 Erie, 5714 West Erie. Works sanitation for Entemann's  
18 bakery in Northlake. Looks like different times, 4:00  
19 a.m. to 3:00 p.m. and 2:00 a.m. to 10:00 a.m. Last  
20 seen BoBo which is Maurice Wright, Friday morning about  
21 10, 11 in the morning on the 12th of May. And next saw  
22 BoBo when Vanie came back after leaving with Xavier or  
23 Xav. That is when Vanie told her he did it. And she  
24 identifies Boss Hog and a female with braids in her



1 hair. I don't know what that means. And then  
2 afterwards it says --

3 Q And then after that, the GPR indicates that  
4 ASA Joanna Leafblatt took a handwritten statement from  
5 Ashanti Wright?

6 MS. ITCHHAPORIA: Objection. Form.

7 THE WITNESS: Correct.

8 BY MS. SAMUELS:

9 Q This is City 119, I believe. It says that  
10 this is a re-interview with Maurice Wright?

11 A That is what it says.

12 Q Why was Maurice Wright re-interviewed?

13 MS. ITCHHAPORIA: Form. Foundation. Go  
14 ahead.

15 THE WITNESS: I don't know.

16 BY MS. SAMUELS:

17 Q After you spoke with Maurice Wright, could  
18 you think of any reason why he would need to be  
19 re-interviewed?

20 A Well, for one thing, I don't believe that I  
21 interviewed him alone. I think Donnie and I  
22 interviewed him together.

23 Q And it looks like this report was created on  
24 27 May, 2000 during the first shift?

1           A     Well, yeah.

2           Q     And it looks like this one was just signed by  
3     Wolverton and not you, correct?

4           A     That is what it says, right.

5           Q     Can you think of why Detective Wolverton  
6     would have interviewed Maurice Wright without you?

7                     MS. ITCHHAPORIA:   Form.   Foundation.  
8     Mischaracterizes.   Go ahead.

9                     THE WITNESS:   I don't believe he did.

10          BY MS. SAMUELS:

11          Q     So if I understand correctly, you remember  
12     one interview with Maurice Wright, but there could have  
13     been others that you just don't specifically recall, is  
14     that fair?

15          A     I may have.

16                    MS. ITCHHAPORIA:   Form or foundation.   Go  
17     ahead.

18                    THE WITNESS:   I might not have done the  
19     interview.   I may have been present for the interview.  
20     I do not recall.

21          BY MS. SAMUELS:

22          Q     Have you had a chance to review this GPR  
23     before?

24          A     This report, yes.

1           Q     Having reviewed the information contained  
2     therein, do you have any reason to believe it is  
3     inaccurate?

4           A     No, I don't.

5           Q     Having reviewed the information contained  
6     therein, do you have any reason to believe that you  
7     were not present during the interview?

8           A     I don't know whether I was present for the  
9     entire interview. I may have left, come back. I don't  
10    recall the circumstances under which the interview was  
11    conducted.

12          Q     Do you know why they would ask Maurice Wright  
13    whether or not he sells drugs?

14          A     Whether or not what?

15          Q     He sells drugs.

16                MS. ITCHHAPORIA: Objection. Form.  
17    Foundation.

18                THE WITNESS: Again, let me hold this up.  
19    Whether or not he what?

20                MS. SAMUELS: Sells drugs.

21                MS. ITCHHAPORIA: Objection. Form.

22                THE WITNESS: I still can't hear it.

23                MS. ITCHHAPORIA: Can I get the whole  
24    question, please?

1 BY MS. SAMUELS:

2 Q Do you know why it might be important to ask  
3 Maurice write about whether or not he sells drugs?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation.

6 THE WITNESS: I don't know if that is what he  
7 was actually asked. He may have volunteered that.

8 BY MS. SAMUELS:

9 Q After somebody gives a statement, would you  
10 just go back and keep questioning them?

11 MS. ITCHHAPORIA: Objection. Form.  
12 Incomplete hypothetical. Go ahead.

13 THE WITNESS: Yes, if there was something  
14 that I had to clarify, yes.

15 BY MS. SAMUELS:

16 Q After speaking with Maurice Wright and taking  
17 the statement from him that you do recall, do you  
18 remember anything that needed to be clarified?

19 MS. ITCHHAPORIA: Objection. Form.  
20 Foundation.

21 THE WITNESS: Not that I know of. Not that I  
22 recall.

23 BY MS. SAMUELS:

24 Q Do you know why you would be asking about

1 where Maurice Wright was or what he was doing the day  
2 of Marek Majdak's murder or the day before Marek  
3 Majdak's murder?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation.

6 THE WITNESS: I don't have a specific  
7 knowledge about why he would have been asked that or if  
8 he was asked that. Perhaps we were trying to establish  
9 how he gained his information.

10 BY MS. SAMUELS:

11 Q Do you know why you would ask or why someone  
12 might ask Maurice Wright about conversations he was  
13 having the day before the murder?

14 MS. ITCHHAPORIA: Objection to form.  
15 Foundation.

16 THE WITNESS: About conversations that he was  
17 having before the murder?

18 BY MS. SAMUELS:

19 Q Yes, the day before the murder.

20 A Yeah. There could be certain things that  
21 maybe to establish where and how he learned information  
22 and whether there was going to be anything he said --  
23 that was said or done earlier before the murder.

24 Q Have you ever been accused of manufacturing

1 motive for a suspect in a murder investigation?

2 A No, not in any investigation.

3 Q It looks like in this statement that Maurice  
4 Wright indicates that Xavier and Jovanie pulled up in a  
5 Ford Taurus car immediately after the murder, is that  
6 fair to say?

7 MS. ITCHHAPORIA: Objection. Form.  
8 Foundation. Misstates.

9 THE WITNESS: I don't know. Immediately  
10 after or soon after. It was the same night or the same  
11 morning.

12 BY MS. SAMUELS:

13 Q Do you ever remember attempting to identify  
14 or search that file for evidence?

15 A I'm sorry. I don't think that I heard that  
16 properly.

17 Q Do you remember ever attempting to find the  
18 car that is indicated in this report?

19 A Which car?

20 Q The green Ford Taurus that Xavier and Jovanie  
21 are in after the murder?

22 A No, I don't believe we did.

23 Q Why not?

24 MS. ITCHHAPORIA: Objection. Form.

1 Incomplete hypothetical.

2 THE WITNESS: I don't know that it would have  
3 any value.

4 BY MS. SAMUELS:

5 Q Well, you thought that Jovanie might have  
6 blood on him from the murder, right?

7 A Possible.

8 Q And then after the murder he get into this  
9 car, right?

10 A That is some time later.

11 Q And so you didn't think that maybe we should  
12 look at the car to see if there is any evidence of  
13 blood in there?

14 A At this point, you are talking about quite a  
15 bit later after the murder.

16 Q And so by this point it would have been 14  
17 days after the murder, fair to say?

18 A Two weeks, yeah.

19 Q And so you wouldn't expect to be able to find  
20 or recover blood evidence more than 14 days later?

21 MS. ITCHHAPORIA: Objection. Form.  
22 Mischaracterizes. Go ahead.

23 THE WITNESS: I don't believe so, no.

24

1 BY MS. SAMUELS:

2 Q Do you recall how long after the murder it  
3 was that you inventoried those shoes?

4 A It was approximately two weeks later.

5 Q I'm showing you what has been marked as City  
6 NK something or other, 123.

7 MS. ITCHHAPORIA: You have that?

8 BY MS. SAMUELS:

9 Q And this report is dated 27 May 2000, during  
10 the First Watch. Is that fair to say?

11 A Right.

12 Q And as reporting officers is Wolverton, Cruz  
13 and I think that is Stanley Sanders, is that correct?

14 A Sanders, yes.

15 Q Do you know why your name is signed at the  
16 bottom?

17 A Because I was probably present at the time of  
18 the report.

19 Q And at the time of the report or at the time  
20 that you are talking to Mary Curry?

21 A At the time that the report is being made.

22 Q And so whoever is present when the report is  
23 being made, you would expect them to be reporting  
24 officers?



1           A     Yeah.  If you were to report them, you heard  
2 or saw some part of being reported.

3           Q     Do you remember going with the Sanders and  
4 Wolverton to talk to Mary Cruz?

5           A     I don't have an independent recollection, but  
6 I believe I did.

7           Q     And based upon this report and seeing  
8 Stanley's name listed, you would interpret that to mean  
9 that he was present for part or all of the discussion  
10 with Mary Cruz?

11           MS. ITCHHAPORIA:  Form.  Foundation.  Do you  
12 mean "Mary Curry"?

13           MS. SAMUELS:  Mary Curry.

14           THE WITNESS:  Are you asking if me and  
15 Sanders went with Don?

16           BY MS. BRILL:

17           Q     I'm saying when you see Stanley's name at the  
18 bottom --

19           A     Yeah.

20           Q     -- does that indicate to you that Stanley was  
21 present for part or all of the interview with Mary  
22 Curry?

23           MS. ITCHHAPORIA:  Objection.  Form.  
24 Foundation.

1           THE WITNESS: I'm not certain. I may have  
2    been acting on information we got from Stanley that I  
3    think Maurice Wright, that Jovanie Long went to pick up  
4    Maurice and I think that is when we talked to Mary.

5    BY MS. SAMUELS:

6           Q     So if I'm understanding you correctly,  
7    Stanley's name being indicated as the reporting  
8    officer indicates that you received the information  
9    from him and that was used to find this witness?

10           MS. ITCHHAPORIA: Objection. Form.  
11   Foundation. Mischaracterizes.

12           THE WITNESS: Very possible.

13   BY MS. SAMUELS:

14           Q     And that would be all it would indicate to  
15   you, fair enough?

16           MS. ITCHHAPORIA: Same objection.

17           THE WITNESS: Yes.

18   BY MS. SAMUELS:

19           Q     All right. And it looks like she indicated  
20   that she told RV Saturday 27, May 2000 at 11 am. Would  
21   that be the time that you guys spoke with her?

22           A     Probably. I can't be certain. That would --  
23   that is my belief.

24           Q     That would have been outside of your normal

1 shift?

2 A Yes.

3 Q Do you know why you would have been  
4 interviewing somebody outside your normal shift?

5 MS. ITCHHAPORIA: Objection. Foundation.

6 THE WITNESS: No, I don't.

7 BY MS. SAMUELS:

8 Q Can you tell from this report where Mary  
9 Curry is when she is relaying this information?

10 A Not from this report.

11 Q And then there is an arrow from 27 May 2000  
12 that points to Jovanie told her he shot the V because  
13 he wouldn't give up the money, let the money go,  
14 correct?

15 A Yes.

16 Q And so you understand that to mean that  
17 Jovanie confessed to murder to Mary Curry?

18 A Yes.

19 Q And then there is a line under that. Do you  
20 know why there is lines between the statements?

21 MS. ITCHHAPORIA: Objection. Form.

22 Foundation. Calls for speculation. Go ahead.

23 THE WITNESS: No, I don't.

24

1 BY MS. SAMUELS:

2 Q And then under the line it says, "Said V  
3 scratch him on the back of the neck." Correct?

4 A Yes.

5 Q Did you have any evidence that Marek Majdak  
6 had scratched anybody prior to his death?

7 A No.

8 Q Did you check the autopsy report to see if  
9 there was evidence of injury to his fingernails?

10 MS. ITCHHAPORIA: Objection. Form. Assumes  
11 facts. Go ahead.

12 THE WITNESS: I don't recall any injuries to  
13 his fingernails.

14 BY MS. SAMUELS:

15 Q Is that something that you would have checked  
16 for?

17 A Whatever was in the autopsy report is what is  
18 in the autopsy report. Nothing of particular.

19 Q Yes, sir, but my question is, is that  
20 something that you would have checked to look for in  
21 the autopsy report?

22 MS. ITCHHAPORIA: Objection. Form.  
23 Foundation.

24 THE WITNESS: Again, it is the autopsy report

1 speaks for itself. Whatever is in there. You are not  
2 looking for anything in particular that I would.

3 BY MS. SAMUELS:

4 Q Well, say, for instance, they say "I knocked  
5 a tooth out of the victim during a fight", would you  
6 check if they had a tooth knocked out?

7 MS. ITCHHAPORIA: Objection. Incomplete  
8 hypothetical. Go ahead.

9 THE WITNESS: I don't know, again the autopsy  
10 speaks for itself. Whatever is in the autopsy report  
11 is what I don't know how to answer that other than  
12 that.

13 BY MS. SAMUELS:

14 Q And I think that's where the confusion is. I  
15 understand what's in the autopsy report. My question  
16 is about your attempts to corroborate witness  
17 statements available evidence, right? So if they said  
18 that the victim scratched his assailant on the neck,  
19 did you check the autopsy report to see if that was  
20 consistent with the Medical Examiner's findings?

21 MS. ITCHHAPORIA: Objection. Form.  
22 Incomplete hypothetical. Calls for speculation.

23 THE WITNESS: I don't believe a Medical  
24 Examiner mentioned anything about the victim's

1     fingernails.

2     BY MS. SAMUELS:

3           Q     Yeah. Did you check to see whether or not  
4     that was in there?

5           MS. ITCHHAPORIA: Incomplete hypothetical and  
6     asked and answered a couple of times.

7           THE WITNESS: I can't add something to the  
8     Medical Examiner's report. You are asking me to check  
9     on something that is not mentioned in the report, as  
10    far as I know, as far as I recollect.

11    BY MS. SAMUELS:

12          Q     No, sir. What I'm asking is, when you  
13    received information about the victim and his actions  
14    immediately prior to his death whether or not you  
15    checked the report that you had to see if there was  
16    evidence that could either corroborate or disprove it?

17          MS. ITCHHAPORIA: Objection. Form.  
18    Foundation. Asked and answered.

19          THE WITNESS: Again, I don't know that that  
20    would be something that could be -- I don't know if I  
21    scratch myself, there is no damage to my fingernails.  
22    I don't know what to tell you.

23    BY MS. SAMUELS:

24          Q     And your understanding was that the victim

1 scratched Jovanie Long at least with enough force to  
2 leave marks on Jovanie's neck, correct?

3 A That's what they say.

4 Q Did you ever ask the Medical Examiner or  
5 Evidence Technician to check Mr. Majdak's fingernails  
6 to see if DNA can be recovered that linked him to  
7 Mr. Long?

8 MS. ITCHHAPORIA: Objection. Form.  
9 Foundation. Assumes facts. Calls for speculation.

10 THE WITNESS: Did I ask them to do that? No,  
11 I did not.

12 BY MS. SAMUELS:

13 Q Is that something that should have been  
14 asked?

15 MS. ITCHHAPORIA: Same objection.

16 THE WITNESS: I don't know that.

17 BY MS. SAMUELS:

18 Q Why not?

19 MS. ITCHHAPORIA: Objection. Form.  
20 Argumentative.

21 THE WITNESS: If I don't know that -- you  
22 know, you are talking about the year 2000. I don't  
23 know what else could have been recovered from the  
24 victim. If I had known at the time perhaps his hands

1     could have been bagged, but once they do the autopsy  
2     everything is compromised at that point.

3     BY MS. SAMUELS:

4           Q     So to the best of your recollection, that  
5     area of inquiry was never looked into?

6           A     I did not request that fingernails be  
7     checked.

8           Q     Do you know whether anyone else is working on  
9     Marek Majdak's murder case?

10           MS. ITCHHAPORIA:  Objection.  Assumes fact in  
11     evidence.

12           THE WITNESS:  I don't believe anyone else  
13     neither.

14     BY MS. SAMUELS:

15           Q     And then the next line it says -- actually I  
16     know it says, "Regina Long, mother of Jovanie knows  
17     where he is."  But to the left of it, do you know what  
18     that says?

19           A     Crystal on Kildare, which is probably in the  
20     area where Regina Long lives.

21           Q     And then a box, 626-3427 4657 West Erie, Earl  
22     Landor.  Do you see that?

23           A     Yes.

24           Q     Do you know what that is referring to?



1           A     Actually that's the gentleman that we spoke  
2 to on the very first day where the call came in from  
3 reporting the body on the street.

4           Q     Do you know why Mary Curry was giving you  
5 this information?

6           A     Well --

7                   MS. ITCHHAPORIA:  Objection.  Form.  
8 Foundation.  Go ahead.

9                   THE WITNESS:  I believe Earl Landor is the  
10 uncle of Jovanie.

11 BY MS. SAMUELS:

12          Q     Do you know why Mary Curry was giving you  
13 that information?

14                  MS. ITCHAPORIA:  Objection.  Form.  Calls for  
15 speculation.

16                  THE WITNESS:  It was a location maybe she  
17 thought that Jovanie would go to.

18 BY MS. SAMUELS:

19          Q     Do you recall attempting to find Jovanie at  
20 4767 West Erie?

21          A     I don't have any independent recollection of  
22 that.

23          Q     Can you think of any reason why you wouldn't  
24 have gone there to look for him?

1           A     There was a lot of things we were doing. I  
2     thought we had time at the time.

3           Q     I'm sorry? Say that again.

4           A     There was a lot of things we were doing. I  
5     don't believe we had time at the time. We were still  
6     at the interview. Maurice Wright and Mary Curry and  
7     the others interviewed, we may have passed on the  
8     information. I don't know if we did or not.

9           Q     So you are not sure if there was time to find  
10    the main suspect?

11                   MS. ITCHHAPORIA: Objection. Form.  
12    Foundation. Mischaracterizes. Go ahead.

13                   THE WITNESS: But it was speculation as to  
14    where he might be. We did talk to Mr. Landor on the  
15    day of the murder. These are family members, known  
16    family members. It doesn't mean he went to the family.  
17    We don't know that. But we had -- there were things  
18    that we -- like I said, we had to go and interview  
19    Maurice. We had to come back and Mary, had to  
20    interview her. We had a lot of things going on. A lot  
21    of irons in the fire at the time.

22    BY MS. SAMUELS:

23           Q     And so what about -- what Mary Curry told you  
24    in this statement suggested that she had more

1 information?

2 MS. ITCHHAPORIA: Objection. Form.

3 Foundation.

4 THE WITNESS: Well, she told us that we  
5 needed to get things -- to get more detailed  
6 information. We had Maurice that we had to interview  
7 and we hadn't interviewed him yet. Mary couldn't  
8 accompany us to the station.

9 BY MS. SAMUELS:

10 Q And so it would have been on May 27, 2000  
11 roughly at 11 a.m. when Maurice volunteered to go to  
12 the station?

13 A I don't have an independent recollection, but  
14 it seems reasonable.

15 Q You don't remember going -- so, my  
16 understanding is, it was during this first conversation  
17 with Mary when you spoke with Maurice and he  
18 volunteered to come to the station, correct?

19 A Right.

20 Q And so we know that you spoke with Mary on  
21 May 27th at or around 11 a.m., right?

22 A Right.

23 Q And so that would have been the time when  
24 Maurice would have volunteered to go to the police

1 station?

2 A Probably.

3 Q What other times might it have been?

4 A I don't know.

5 MS. ITCHHAPORIA: Can we take a five-minute  
6 break?

7 MS. SAMUELS: Yes.

8 (BRIEF RECESS)

9 BY MS. SAMUELS:

10 Q Back on the record.

11 Is there anything about the testimony  
12 that you have given that you would like to clarify  
13 or edit?

14 A Any testimony that what? I would like to  
15 clarify?

16 Q That you would like to clarify or edit.

17 A No. I think I have been pretty clear.

18 Q Back to the GPRs. I'm going to show you what  
19 has been Bates marked City NK 110 through 113. No just  
20 kidding. Through 116. Do you have those reports?

21 A Yes.

22 Q To the best of your recollection, were you  
23 present for the interview with Mary Curry back at the  
24 police station?

1           A     I believe we were at Area 4.

2           Q     And then if you look at 110 through 116, the  
3 page numbers -- what I think are page numbers to the  
4 top left, the narrative section, do you see that?

5           A     Top left of the --

6           Q     Of the narrative section.

7           A     Oh, yes. I see that, yes.

8           Q     And then so my understanding is that sort of  
9 the numbering the pages of her statement, because it is  
10 multiple pages, is that accurate to your knowledge?

11          A     I believe so, yes.

12          Q     And it looks like at the top of the first  
13 page it says that this interview is at the Area 4  
14 office at 01:30 hours. So that would be 1:30 a.m.?

15          A     Yes.

16          Q     And do you know whether that indicated the  
17 time that the interview began, the time that the  
18 interview ended or something else?

19                MS. ITCHHAPORIA: Objection. Form. Go  
20 ahead.

21                THE WITNESS: It is my assumption that's the  
22 beginning of the interview.

23 BY MS. SAMUELS:

24          Q     And then on Page 2 of her statement --

1           A     Okay.

2           Q     -- in the -- what is this?  It is like the  
3     last major paragraph on the page.  It starts, "Miss  
4     Curry stated..."

5           A     Yes.  Almost every paragraph states that way.  
6     But it says, "Miss Curry stated Long was gone about  
7     five minutes."  Do you see that paragraph?

8           A     Yes.

9           Q     And then it indicates Ashunta, spelled  
10    A-S-H-U-N-T-A.  Do you see that?

11          A     Yes.

12          Q     And was that just a phonetic spelling of how  
13    Miss Curry would say her name?

14          A     Yes.

15                MS. ITCHHAPORIA:  Objection.  Form.  
16    Foundation.

17    BY MS. SAMUELS:

18          Q     And then same question.  It looks like it  
19    says, Jamacia, J-A-M-A-C-I-A.  Do you understand that  
20    to be a phonetic spelling of how Miss Curry was saying  
21    her name?

22                MS. ITCHHAPORIA:  Objection.  Form.  
23    Foundation.

24                THE WITNESS:  That would be my belief, yes.

1 BY MS. SAMUELS:

2 Q And then it looks like on Page 2 that Jovanie  
3 indicated that after the murder that he was going to  
4 his uncle's house?

5 A On Page 2?

6 Q Yes.

7 A Right.

8 Q After learning that, do you recall ever  
9 attempting to get a search warrant for the uncle's  
10 house?

11 MS. ITCHHAPORIA: Objection. Form.  
12 Foundation.

13 THE WITNESS: I don't think that we had  
14 grounds for a search warrant.

15 BY MS. SAMUELS:

16 Q So does that mean no?

17 MS. ITCHHAPORIA: Objection. Form.  
18 Foundation.

19 THE WITNESS: He was gone. I don't know if  
20 he reached there.

21 BY MS. SAMUELS:

22 Q And so my question isn't about whether you  
23 were ever able to verify Mr. Long's movements. My  
24 question is whether or not it was his uncle's house,

1 any attempt was made to see whether evidence related to  
2 the murder of Marek Majdak could be recovered from his  
3 uncle's house?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation. Incomplete Hypothetical. Go ahead.

6 THE WITNESS: Not to the best of my  
7 recollection.

8 BY MS. SAMUELS:

9 Q Do you recall ever going to the uncle's  
10 house to see whether or not Jovanie Long was there?

11 A No, I do not recall that.

12 Q Where is he? I'm sorry. I forgot to ask.  
13 On the first page, the page before this, it indicates  
14 that at the time that the shooting happened they  
15 believed that Timothy Long was in their basement  
16 playing video games with one of the neighborhood kids.  
17 Do you see that?

18 A Yes.

19 Q All right. Do you know why two neighborhood  
20 kids that she wasn't related to was in her house  
21 playing video games at one in the morning?

22 MS. ITCHHAPORIA: Form. Foundation. Calls  
23 for speculation.

24 THE WITNESS: I have no idea why somebody may



1 have been down there.

2 BY MS. SAMUELS:

3 Q Did that seem weird to you?

4 MS. ITCHHAPORIA: Same objection. Form.  
5 Foundation.

6 THE WITNESS: No.

7 BY MS. SAMUELS:

8 Q All right. On Page 3 there is like a  
9 sentence or part of a sentence that is crossed out?

10 A Okay.

11 Q Do you know why that is crossed out?

12 MS. ITCHHAPORIA: Objection. Form.  
13 Foundation. Calls for speculation.

14 THE WITNESS: I don't know why it was crossed  
15 out.

16 BY MS. SAMUELS:

17 Q Any information that would have been written  
18 down would have been information you already was  
19 receiving in from Mary Curry, correct?

20 MS. ITCHHAPORIA: Objection. Form.  
21 Foundation. Calls for speculation. Go ahead.

22 THE WITNESS: That I wrote down, yes.

23 BY MS. SAMUELS:

24 Q Did it seem -- she didn't seem nervous at all

1 when she was talking to you?

2 MS. ITCHHAPORIA: Objection. Form.

3 Foundation.

4 THE WITNESS: Not at all.

5 BY MS. SAMUELS:

6 Q She didn't seem to be under any distress or  
7 anything like that?

8 MS. ITCHHAPORIA: Same objection.

9 Foundation. Go ahead.

10 THE WITNESS: No, she did not. She was very  
11 calm and forthright.

12 BY MS. SAMUELS:

13 Q Okay. Is that normal?

14 MS. ITCHHAPORIA: Objection. Form.

15 THE WITNESS: I don't know why it wouldn't  
16 be. If you are truthful, you had nothing to be afraid  
17 of.

18 BY MS. SAMUELS:

19 Q And then it says, "Miss Curry stated she  
20 observed in Xavier's vehicle two other male blacks, one  
21 in the front vehicle seat and the other in the seat."

22 Did you see that?

23 A Yes.

24 Q Did you ever try to determine who those

1 individuals were?

2 A No.

3 Q Why not?

4 A How were we going to do that?

5 Q By talking to Xavier.

6 MS. ITCHAPORIA: Is there a question?

7 BY MS. SAMUELS:

8 Q Why didn't you ask Xavier if there were other  
9 people in the car after he picked up Jovanie?

10 MS. ITCHHAPORIA: Objection. Form.

11 THE WITNESS: We never talked to Xavier.

12 BY MS. SAMUELS:

13 Q Why wasn't that an area of inquiry in the  
14 investigation?

15 MS. ITCHAPORIA: Objection. Form. Calls for  
16 speculation. Go ahead.

17 THE WITNESS: I don't know what would be  
18 gleaned from that?

19 MS. SAMUELS: Corroborating evidence.

20 MS. ITCHAPORIA: There is no question  
21 pending.

22 BY MS. SAMUELS:

23 Q Did you think it was important to corroborate  
24 Mary Curry's statement about what she observed?

1 MS. ITCHHAPORIA: Objection. Form.

2 THE WITNESS: A lot of it was corroborated.

3 BY MS. SAMUELS:

4 Q Does Mary Curry ever say she saw Xavier at  
5 her house?

6 A At her house, you mean inside the house?

7 Q Yes.

8 A I believe she only said that she saw from  
9 outside the house.

10 Q And the only time she saw him was when he was  
11 coming to pick up Jovanie?

12 MS. ITCHAPORIA: Objection.

13 THE WITNESS: I would have to take a look at  
14 the report again, because I thought there was another  
15 time that she was outside.

16 BY MS. SAMUELS:

17 Q Go ahead and take a look.

18 A She said that -- Page 4, yeah, "Miss Curry  
19 stated she went to her room to go to sleep. Heard  
20 Maurice come to her room to get cigarettes. Got the  
21 cigarettes and left the room. She stated she heard  
22 Xavier calling for Ashanti from outside in front of her  
23 house at the front door, the side basement." So she  
24 knows that Xavier was there.

1 Q And what is your understanding of what time  
2 this is occurring?

3 MS. ITCHHAPORIA: Objection. Form.  
4 Foundation.

5 THE WITNESS: That is in the morning hours  
6 there. It is still -- it is not too soon after because  
7 they want someone to go over and wipe the prints off  
8 the car, I believe.

9 BY MS. SAMUELS:

10 Q So your understanding is that is within the  
11 hour or two of the murder happening?

12 MS. ITCHHAPORIA: Objection. Form.  
13 Mischaracterizes. Asked and answered.

14 THE WITNESS: It could be.

15 BY MS. SAMUELS:

16 Q Did you ever consider charging Miss curry  
17 with any crimes?

18 MS. ITCHAPORIA: Objection. Foundation.

19 THE WITNESS: Considered what?

20 MS. SAMUELS: Charging Miss curry with any  
21 crime?

22 MS. ITCHAPORIA: Same objection.

23 THE WITNESS: No.

24

1 BY MS. SAMUELS:

2 Q You didn't have a problem that she let a  
3 confessed murderer stay at her house after finding out  
4 about it?

5 MS. ITCHAPORIA: Objection. Form.

6 THE WITNESS: Is that a crime?

7 BY MS. SAMUELS:

8 Q I'm asking you. Apparently not.

9 A I don't think it is a crime.

10 Q And then at the end of Page 6 you see where  
11 it says, "Miss Curry stated she had spoken to Regina  
12 Long who told her the police had no evidence. We  
13 burned the gym shoes and they got rid of the gun. They  
14 ain't got nothing on Jovanie."

15 A Yeah. Right that is at the bottom, right.

16 Q Did you believe her when she told you that  
17 they had burned the gym shoes?

18 A She is repeating something that Regina Long  
19 said. That is not what she knew. It was what she  
20 heard Regina say.

21 Q Right. But that is the same thing with her  
22 saying -- well, never mind.

23 So is it fair to say that you formed  
24 no opinion one way or another about whether or not

1 the gym shoes had been burned based upon Miss  
2 Curry's statement?

3 MS. ITCHHAPORIA: Objection. Form.  
4 Foundation. Calls for speculation. Go ahead.

5 THE WITNESS: Do I have a belief of what?

6 BY MS. SAMUELS:

7 Q Did you form an opinion one way or the other  
8 about whether Jovanie's gym shoes had been burned based  
9 upon Miss Curry's statement?

10 MS. ITCHHAPORIA: Objection. Form.  
11 Foundation. Go ahead.

12 THE WITNESS: I had no reason to believe or  
13 disbelieve it.

14 BY MS. SAMUELS:

15 Q I'm sorry if I missed this, but did you ask  
16 Miss Curry to describe the shoes that they were  
17 harboring for Jovanie?

18 MS. ITCHAPORIA: Objection to form.  
19 Mischaracterizes.

20 THE WITNESS: For one thing I don't know if  
21 Miss Curry knew anything about the gym shoes.

22 BY MS. SAMUELS:

23 Q I thought she was the one who pointed them  
24 out to you?

1           A     I don't believe so.

2                   MS. ITCHAPORIA:  Form.  Foundation.

3                   THE WITNESS:  I don't think so.  That was  
4  Ashanti.

5  BY MS. SAMUELS:

6           Q     Did you ask Ashanti for the shoes that she  
7  was harboring for Jovanie Long?

8                   MS. ITCHAPORIA:  Objection.  Form.  
9  Foundation.  Go ahead.

10                  THE WITNESS:  Did I ever describe them?

11  BY MS. SAMUELS:

12           Q     Yes.

13           A     She produced them.

14           Q     Would that be before or after you confronted  
15  her with Mary Curry's statement?

16                  MS. ITCHHAPORIA:  Objection.  Form,  
17  mischaracterizes its prior testimony.

18                  THE WITNESS:  I don't recall.

19  BY MS. SAMUELS:

20           Q     And then this is 117 through -- no, we just  
21  did that one.  Where is the other one?  Here is -- this  
22  is the one I want.  Is this Maurice Wright?  This is  
23  120 through 122.

24                  MS. ITCHHAPORIA:  I think you marked the



1 first pages before.

2 MS. SAMUELS: But not the rest of them.

3 BY MS. SAMUELS:

4 Q All right. So it looks like the re-interview  
5 of Maurice Wright occurred on 27 May 2000 during the  
6 first shift. Is that your understanding?

7 A Yes.

8 MS. ITCHAPORIA: What page are you looking  
9 at?

10 BY MS. SAMUELS:

11 Q It is 119 through 122, City NK, correct?

12 A Yes.

13 MS. ITCHAPORIA: That is 119.

14 BY MS. SAMUELS:

15 Q And your signature does not appear on 119,  
16 but it does appear on the bottom of 120, 121 and 122?

17 A My signature -- Donnie would have done that.  
18 My signature looks nothing like that.

19 Q You have any reason to believe that your  
20 signature should not be on these reports?

21 A As far as my reviewing them, my reviewing the  
22 notes, they seemed like they are -- they depict what  
23 Donnie took down. I had no reason to believe that they  
24 are not factual and accurate.

1           Q     And you would have reviewed these during your  
2     preparation for the criminal trial, for your testimony  
3     in the criminal trial, correct?

4           MS. ITCHAPORIA:  Objection.  Form.  And  
5     foundation.  Mischaracterizes the evidence in this  
6     case.

7           THE WITNESS:  I don't know if I reviewed them  
8     then.  I don't believe I testified at the trial.

9     BY MS. SAMUELS:

10          Q     Your testimony during the criminal  
11     proceedings?

12          A     I did.

13          Q     So the first shift from May 27, 2000 would  
14     have been from midnight to 8:30 a.m., correct?

15          A     Yes.

16          Q     Do you know why it doesn't indicate what time  
17     you began speaking with him?

18          A     No, I don't know why.

19          Q     Do you have any recollection of this second  
20     interview with Maurice Wright?

21          MS. ITCHAPORIA:  Objection.  Form.  
22     Mischaracterizes.

23          THE WITNESS:  Independent recollection, no.

24

1 BY MS. SAMUELS:

2 Q On Page 4 of this GPR, which I believe is  
3 122, the second to the last paragraph says "Wright  
4 stated Jovanie first met him at Bubba's house. He  
5 started crying when he told Wright he shot the man."

6 Do you see that?

7 A Yes.

8 Q Do you know who Bubba is referring to?

9 MS. ITCHAPORIA: Objection. Form.

10 THE WITNESS: What was the question then?

11 BY MS. SAMUELS:

12 Q Do you know who Bubba is referring to?

13 MS. ITCHAPORIA: Same objection.

14 THE WITNESS: I believe it was Antwoine  
15 Waddy.

16 BY MS. SAMUELS:

17 Q And then this last sentence right here, what  
18 do you understand that to mean?

19 A What Wright stated?

20 Q Yes, that sentence. What does that mean?

21 MS. ITCHAPORIA: Objection. Form.

22 Foundation.

23 THE WITNESS: Just seems to say he hadn't  
24 seen them the day of the shooting. And that Jovanie

1 was seen with new grand white gym shoes.

2 BY MS. SAMUELS:

3 Q So after the shooting, Jovanie got new shoes?

4 MS. ITCHAPORIA: Objection. Form.

5 THE WITNESS: It could be.

6 BY MS. SAMUELS:

7 Q Well, that is what I'm asking. Is that what  
8 that statement is trying to indicate?

9 MS. ITCHHAPORIA: Objection. Form.

10 Foundation. Calls for speculation. Go ahead.

11 THE WITNESS: That could be -- that is what  
12 he said. I don't know. They may have been new looking  
13 shoes. I don't know.

14 BY MS. SAMUELS:

15 Q The thing that I'm trying to be clear, the  
16 thing that I'm trying to figure out is whether or not  
17 that sentence is saying the last time I saw Jovanie,  
18 which would have been the day of the murder, he was  
19 wearing gray and white gym shoes, or after the murder  
20 he started wearing new gray and white gym shoes?

21 MS. ITCHHAPORIA: Objection. Form. Calls  
22 for speculation. Go ahead.

23 THE WITNESS: It would be my impression, and  
24 it would be just an impression, he was wearing newer

1 looking gym shoes later that day, not soon after the  
2 murder.

3 BY MS. SAMUELS:

4 Q So if we were looking for a pair of shoes  
5 that might be tied to the murder, it would be those  
6 gray and white gym shoes?

7 MS. ITCHHAPORIA: Form. Foundation.  
8 Mischaracterizes what he just said.

9 THE WITNESS: I don't believe those are the  
10 shoes. No.

11 BY MS. SAMUELS:

12 Q The gray and white gym shoes would have been  
13 the shoes he put on after the murder.

14 MS. ITCHAPORIA: Objection. Speculation.

15 THE WITNESS: That would be a surmise on my  
16 part.

17 BY MS. SAMUELS:

18 Q Do you recall Maurice's demeanor when you  
19 were interviewing him?

20 MS. ITCHHAPORIA: Objection. Form.  
21 Foundation.

22 THE WITNESS: His demeanor.

23 BY MS. SAMUELS:

24 Q Yes.

1           A     He was fairly calm, cooperative. I would say  
2 pretty forthright.

3           Q     Do you recall when Maurice was returned home?

4           MS. ITCHHAPORIA: Objection. Form.  
5 Foundation. Assumes facts.

6           THE WITNESS: I don't know.

7           MS. BRILL: It would have been at the same  
8 time that you brought Mary back?

9           MS. ITCHHAPORIA: Objection. Form.  
10 Foundation. Mischaracterizes. Go ahead.

11          THE WITNESS: No.

12 BY MS. SAMUELS:

13          Q     Why not?

14          A     Because he wasn't with us.

15          Q     Do you know why it took so long to get his  
16 statement recorded by an ASA?

17          MS. ITCHHAPORIA: Form. Foundation. Calls  
18 for speculation. Go ahead.

19          THE WITNESS: I don't know why.

20 BY MS. SAMUELS:

21          Q     You understand that at the trial Maurice  
22 Wright claims that he was coerced into giving this  
23 statement, correct?

24          MS. ITCHAPORIA: Objection. Form.

1           THE WITNESS:   When did he make this  
2   statement?

3   BY MS. SAMUELS:

4           Q     At the trial you understand that Maurice  
5   Wright claims that he was coerced into giving a  
6   statement, right?

7           A     I don't have first-hand knowledge of that.

8           Q     Is this the first time of you ever learning  
9   about that?

10          A     I don't know anything about that.   Never  
11   heard of it before.

12          Q     Do you know how many hours Mr. Wright was in  
13   the police station?

14          A     No, I don't.

15          Q     Do you know if there are any reports that  
16   could be used to determine that?

17          A     I don't know of any reports that say what  
18   time he left the station.

19          Q     Is that usual?

20          MS. ITCHAPORIA:   Objection.   Form.  
21   Foundation.

22          THE WITNESS:   After we interviewed him -- it  
23   was already a long day.   I'm sure we went home.

24

1 BY MS. SAMUELS:

2 Q Is there anybody else that would have been  
3 responsible for bringing him home?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation.

6 THE WITNESS: I don't know probably a  
7 supervisor might have made a determination.

8 BY MS. SAMUELS:

9 Q What do you mean?

10 MS. ITCHAPORIA: Objection. Form.

11 THE WITNESS: I don't know what criteria they  
12 used for keeping him there or whether he was asked to  
13 stay. That he was cooperative with us. I would just  
14 be speculating as to what the reason why he stayed.

15 BY MS. SAMUELS:

16 Q Did you ever find out about the female that  
17 he met -- I'm sorry. That was complete change of  
18 subject.

19 So in the earlier GPRs it indicated  
20 that Marek Majdak met a woman at a nightclub name  
21 Fontasha. Do you remember that?

22 A I believe I saw something of that nature.

23 Q Did you ever find out where that nightclub  
24 was?



1 MS. ITCHHAPORIA: Object to form.

2 THE WITNESS: I didn't.

3 BY MS. SAMUELS:

4 Q Do you know if anybody else did?

5 A I don't know. I know Mike Pietryla may have  
6 gone out looking for witnesses at the bar.

7 Q Go ahead.

8 A Sorry?

9 Q I thought there was more.

10 A No. I said Mike Pietryla might have. I  
11 didn't.

12 Q And do you know whether or not the woman he  
13 was with at the club, Fontasha, if she was ever  
14 identified?

15 A Again the microphone was kicking in and out  
16 here.

17 Q Do you know the woman he was with at the  
18 nightclub, Fontasha, was ever identified?

19 A I do not know.

20 Q You know there was a bite mark found on his  
21 body?

22 MS. ITCHAPORIA: Objection to form.

23 Foundation. Go ahead.

24 THE WITNESS: I since learned that, yes.

1 BY MS. SAMUELS:

2 Q Do you know if there was any attempt to  
3 identify who bit Majdak?

4 MS. ITCHHAPORIA: Objection. Form.  
5 Foundation.

6 THE WITNESS: Again, I didn't hear that  
7 clearly.

8 BY MS. SAMUELS:

9 Q Do you know if any attempts were made to  
10 identify who had bitten Marek Majdak?

11 A I don't believe so.

12 Q Why not?

13 MS. ITCHAPORIA: Objection. Form.  
14 Foundation. Calls for speculation.

15 THE WITNESS: When he had his shirt on, the  
16 marks would not have been very identifiable. I believe  
17 his skin was -- there was no evidence of saliva on his  
18 skin. So matching a bite mark to clothing is -- well,  
19 I don't know if it could be done.

20 BY MS. SAMUELS:

21 Q If he had a shirt on, why not send the shirt  
22 for DNA testing?

23 MS. ITCHHAPORIA: Objection. Form. Calls  
24 for speculation. Go ahead.

1 THE WITNESS: I believe it was a while later  
2 that it was determined that there was no DNA on the  
3 bite mark. It would have been -- that information was  
4 learned quite a bit after the case was closed.

5 BY MS. SAMUELS:

6 Q When you say that information was learned  
7 after the case was closed, are you talking about the  
8 bite mark or that there was no DNA recovered from his  
9 skin?

10 A The DNA.

11 Q So my question is, when you are sending in  
12 evidence to be tested to see if there is a forensic  
13 value, if you know that he was bitten while he was  
14 wearing a shirt, why wasn't the shirt sent for DNA  
15 testing?

16 MS. ITCHHAPORIA: Calls for speculation.  
17 Asked and answered?

18 THE WITNESS: My partner did send -- he  
19 thought that would be sufficient to test for the skin.  
20 And it came up -- by the time we found out that there  
21 wasn't any DNA, the case was already closed.

22 BY MS. SAMUELS:

23 Q And so if I'm understanding you correctly,  
24 the reason the shirt wasn't sent out for DNA testing,

1     you didn't think it was necessary?

2                   MS. ITCHHAPORIA:  Objection.  Form.

3     Foundation.  Mistakes his testimony.  Argumentative.

4                   THE WITNESS:  Myself, I did not know about  
5     the bite mark, but Donnie did.  And Donnie had it  
6     tested.  Had the bite mark on Mr. Majdak and he had it  
7     tested.  Then it came back quite a while later after  
8     the case was closed that there was no DNA.

9     BY MS. SAMUELS:

10           Q     Why didn't you write in the GPRs relative to  
11     when you were talking to witnesses?

12           A     I did a few in the beginning.  Donnie, as you  
13     have seen in my GPRs are difficult to read and Don  
14     just -- he took to right away writing.  I trusted  
15     his -- I was present for every interview that he did.  
16     Not every interview, but almost every interview.  When  
17     I reviewed them, it was like -- I didn't have any  
18     reason to make changes.  So I just didn't do anything  
19     with the GPRs.  I think I had what, four GPRs in this  
20     whole case.

21           Q     Have you ever been accused of physically  
22     abusing a person in custody?

23           A     I'm sorry.  I didn't hear what you said.

24           Q     Have you ever been accused of physically

1 abusing a person in custody?

2 A Never.

3 Q Have you ever been accused of coercing a  
4 false statement?

5 A No.

6 MS. SAMUELS: I think that about does it for  
7 me. Give me five minutes to look over my notes.

8 (BRIEF RECESS)

9 BY MS. SAMUELS:

10 Q Just real briefly. Have you reviewed the  
11 GPRS from the first interview with Maurice Wright?

12 A Actually, the first interview with Maurice  
13 Wright was just like -- from what I can gather, it is  
14 my understanding, that it was just at his house. And  
15 what we asked him about his -- well, I shouldn't say --  
16 I believe we asked him about what he might have known  
17 about Jovanie Long and the murder.

18 Q So have you reviewed the GPRs from the first  
19 interview with Maurice Wright?

20 MS. ITCHHAPORIA: Objection. Form.  
21 Foundation. Assumes evidence exist that doesn't exist.  
22 Go ahead.

23 THE WITNESS: I believe we learned that when  
24 we went to pick him up. We didn't make that a GPR for

1     that cursory interview.

2     BY MS. SAMUELS:

3           Q     And so the first time you interviewed Maurice  
4     Wright that wasn't recorded anywhere?

5           A     I believe we were at his house and just  
6     quickly understand whether it involved -- his  
7     information that he had might clarify some of what  
8     happened that night.

9           Q     And what day was that?

10          A     Sorry?

11          Q     What day was that?

12                MS. ITCHAPORIA:  Objection.  Form.  
13     Foundation.

14                THE WITNESS:  I believe he indicated he knew  
15     that information about what happened that night, about  
16     the night of the murder.

17     BY MS. SAMUELS:

18           Q     And my question is, what day was this when  
19     you guys do the brief interview with Maurice Wright at  
20     his home?

21                MS. ITCHHAPORIA:  Objection.  Form.  
22     Foundation?

23                THE WITNESS:  I believe that was earlier in  
24     the same day, the 27th.  Actually where is my little

1 one with Mary Curry, my real short one? It would have  
2 been just around the time that we picked him up. It  
3 would have been 11 o'clock in the morning on Saturday,  
4 May 27th, a little bit before that.

5 BY MS. SAMUELS:

6 Q And you are basing that from the time that  
7 you have a GPR for Mary Curry's statement?

8 A Yes. Well, her -- when she made that  
9 statement, we had to go and pick Maurice up and asked  
10 him if he would come into the station because we were  
11 working on information from Herchela Bird, Stanley --  
12 yeah so we were working on information from Herchela  
13 Bird that Maurice might have some information because  
14 Jovanie Long lived with Maurice Wright.

15 Q And so my understanding is you were working  
16 on information that Mr. Sanders had received from Bird  
17 and she said in essence that Jovanie lived with Maurice  
18 Wright?

19 A Yes.

20 Q What did Maurice say at this first interview?

21 MS. ITCHHAPORIA: Form. Foundation. Asked  
22 and answered.

23 THE WITNESS: You mean when we first talked  
24 to him?

1 BY MS. SAMUELS:

2 Q Yes.

3 A He indicated -- it is my belief he indicated  
4 that he had some knowledge about what had happened that  
5 night.

6 Q What knowledge?

7 MS. ITCHHAPORIA: Objection. Form,  
8 foundation.

9 THE WITNESS: What was that question?

10 BY MS. SAMUELS:

11 Q What knowledge?

12 MS. ITCHAPORIA: Same objection.

13 THE WITNESS: About what happened at the  
14 homicide on the 4700 block of Ohio on the 13th of May.

15 BY MS. SAMUELS:

16 Q My question is, what did he say he knew about  
17 the homicide that occurred?

18 MS. ITCHHAPORIA: Objection. Form. Assumes  
19 facts. Go ahead.

20 THE WITNESS: That again, I don't know  
21 specifically what he said at that particular time. But  
22 it indicated to us that he had knowledge of what  
23 happened that night. I don't remember what he exactly  
24 said.



1 BY MS. SAMUELS:

2 Q Anything else that you recall from your first  
3 interview with Maurice?

4 A What about the interview with Maurice?

5 Q Is there anything else that you recall about  
6 your first interview with Maurice?

7 A Not really that I remember. I don't  
8 independently remember anything.

9 Q And there is nothing that you could look at  
10 to refresh your recollection?

11 A The first page.

12 MS. ITCHHAPORIA: Can you hear us? Go ahead.  
13 Go ahead. We accidentally disconnected the phone line.

14 BY MS. SAMUELS:

15 Q My question was, is there anything that could  
16 refresh your recollection about what was said during  
17 that first interview?

18 MS. ITCHHAPORIA: Now the volume is coming  
19 from -- we'll have to recall him.

20 THE WITNESS: My apologizes.

21 BY MS. SAMUELS:

22 Q So my question was, is there anything in your  
23 report that you can review to refresh your recollection  
24 about what was said during the first interview with

1 Maurice Wright?

2 MS. ITCHAPORIA: Objection. Form. Go ahead.

3 THE WITNESS: I don't think there is.

4 BY MS. SAMUELS:

5 Q Is there any other specific action you recall  
6 taking relative to investigating the murder of Marek  
7 Majdak?

8 MS. ITCHHAPORIA: Objection. Form. Go  
9 ahead.

10 THE WITNESS: No. Other than seeing and the  
11 interviews that we discussed, there is nothing more  
12 that I had to do with the case other than testifying  
13 here eventually.

14 MS. SAMUELS: No further questions.

15 MS. ITCHAPORIA: No questions from us.

16 MS. BRILL: No questions.

17 MS. ITCHHAPORIA: We'll reserve signature.

18 MS. BRILL: The City doesn't need a copy at  
19 this moment.

20 MS. ITCHAPORIA: Miss Bedford, we'll let you  
21 know if we want to order.

22

23 (WHEREUPON the deposition was

24 adjourned at 5:30 p.m.)



1     STATE OF ILLINOIS     )

2                                     )

3     COUNTY OF   C O O K   )

4

5                             C E R T I F I C A T E

6

7                     The within and deposition was taken before  
8     GWENDOLYN BEDFORD, Certified Shorthand Reporter in the  
9     City of Chicago, County of Cook and State of Illinois,  
10    and there were present at the deposition Counsel as  
11    previously set forth.

12                    The witness reserved signature.

13                    The undersigned is not interested in the  
14    within case, nor of kin or counsel to any of the  
15    parties.

16                    IN TESTIMONY WHEREOF, I have hereunto set my  
17    hand this 10th day of August 2022.

18

19

20

\_\_\_\_\_  
GWENDOLYN BEDFORD, C.S.R.  
No. 084-003700

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